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association canadienne des professeurs d'université

Tenure and Cutbacks: Max Wyman, A. E. Malloch, B. B. Kymlicka, J. Judson

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TENURE AND CUTBACKS (I)

The Symposium on Tenure and Cutbacks was part of the proceedings of the annual CAUT Council meeting which this year was held on May 18-19 at Charlottetown, Prince Edward Island.

Panelists invited to speak at the symposium were Dr. Max Wyman, President of the University of Alberta; Dr. B. Kymlicka who teaches Political Science at the University of Western Ontario and is the Secretary and Director of Research of the Commission on Post-Secondary Education in Ontario; Professor A. E. Malloch who teaches English at McGill University and is the Chairman of the CAUT Academic Freedom and Tenure Committee; and Professor John Judson who teaches Law at the University of Western Ontario, and who served as moderator for the symposium.

TENURE AND TENURE PROCEDURES

by MAX WYMAN

In coming so far to speak to the Canadian Association of University Teachers about tenure and tenure procedures, I feel somewhat like the philosopher who once wrote, "It has all been said before, but nobody ever listens, and therefore it all must be said again". If ever it was true that all than can or should be said about a particular topic has been said before, then surely that topic must be tenure. Tenure has been attacked viciously and has been defended eloquently. All of this has taken place in every major language of the world, and in every century during the past ten centuries. In spite of this, tenure discussions have been cyclical in the past, and will remain cyclical in the future. People do not listen, and therefore it all must be said again.

Tenure is the right to work . . .

Tenure as an employment practice is the right to work in a particular institution, be it a university or not. It is a right that will not normally be terminated without due process, a fair hearing, and the establishment of just and adequate cause. How these terms are defined need not concern us because they should be subject to negotiation between those who award tenure and those who obtain it. It should be envisaged that the terms might have different meanings in different institutions, and, indeed, the meanings might change in the same institutions from time to time.

The questions about tenure that have plagued us over the centuries are as follows:

1. Is the right, implied by tenure, a right that should ever be given to anyone?
2. If it is a right that should be granted to some groups of people, what procedures should be used to award it?
3. If it is a right that should be granted to some groups of people, what procedures should be used to terminate this right?

If it is envisaged that people who work in an institution have no right to expect continued work in that institution, then such an institution reserves for itself the right of arbitrary dismissal. Some person or group of people are given the power to dismiss any or all of the people who are employed by the institution, and no reasons for the action need accompany the action.

People who believe in arbitrary dismissal must surely agree with Adam Smith when he wrote the following scathing denunciation of human behavior:

> "It is in the interest of every man to live as much at his ease as he can, and if his emoluments are to be precisely the same whether he does or does not perform some very laborious duty, it is certainly in his interest, at least as interest is vulgarly understood; either to neglect it altogether, or if he is subject to some authority which will not suffer him to do this, to perform it in as careless and slovenly a manner as that authority will permit".

If Adam Smith is right, it is clear that those who govern should stand over those who work with whips to ensure that people perform the duties for which they are paid. The fear of dismissal would be a whip that could be used to make some people do their work, and with such a work behavior, arbitrary dismissal is justified. However, the world did not come to its present high level of cultural and technological development by the behaviour pattern predicted by Adam Smith. Our achievement is based on the fact that the quality of work will normally vary inversely with the quantity of supervision, and rarely does it vary directly with the salary that is paid. Einstein never earned more than $12,000 per year at any time of his life, and when he first went to the Institute of Advanced Study asked for a yearly salary of $3,000, hardly a salary that would measure the stature he held in the world of science at that time. Steinmetz was placed on an open budget by General Electric. He could draw at will for his research, and could take any amount for his salary. General Electric was not the loser by the arrangement.

Although these men are exceptional because of their tremendous talent and extreme dedication, nevertheless the vast majority of people do take pride in their work, and require a minimum amount of supervision.

Arbitrary dismissal

The abuses of arbitrary dismissal are so well known that it is a procedure that should be held in contempt by our society. It is a procedure that has no place in public institutions, nor for that matter in large corporations whose owners, the shareholders, form a large amorphous group, and who play no real role in the management of these corporations. In such a situation all who work in such institutions, be they those who administer the institution or not, should have the right to expect a continuation of their work, and normally dismissal will not be envisaged without due process, a fair hearing, and with the establishment of just and adequate cause. In my mind, tenure procedures must be adopted as standard practice for the types of institutions that I have described.

Throughout my affirmative statements about the desirability of tenure procedures, I have always introduced a qualification by the use of the word "normally". This has been deliberate because the greatest threat that I see to tenure will arise from problems connected with redundancy and financial exigency.

With falling enrollments, and stringent budgets, many groups within the university community have envisaged the possibility of letting tenured staff go, either because there is not enough money to pay the salaries involved or because there is not enough work for these people to do, or because both conditions are partially true. Some faculty associations have maintained that tenure means that people can only be dismissed for incompetence or gross misconduct, and that neither financial exigency nor redundancy are adequate causes for dismissal of a tenured member of staff. From discussions that I have had with our university solicitors these faculty associations are probably right, and those universities that use financial exigency or redundancy to dismiss tenured members of staff will lose if these decisions are challenged in the courts. It would indeed provide a useful clarification if the principles involved were decided by the courts.

In the years to come, I have no doubt that there will be legitimate cases of redundancy, not all necessarily because of financial exigency. Because of falling enrollments, universities may well wish to re-order their priorities, dropping some services, expanding others, and always making room for some of the innovations so badly needed for universities to stay alive. They must somehow be given the power to accomplish such goals, and yet there must be safeguards against the abuse of such power. If they are prevented from doing so because of the legal interpretation of what tenure now implies, then boards of governors will seek relief by legislation. If they do, such legislation may cut a mile-wide swath through the whole concept of tenure, something that we who work in universities must avoid at all cost. The solution of legitimate problems created by financial exigency and redundancy have not yet been studied in depth, something we must now do before it becomes too late.

Having established, at least to my own satisfaction, the validity of the concept of tenure, I would now like to go on to a discussion of the procedures a university might use to award or to deny tenure.

Instant tenure

Some of you are probably aware that I am an advocate for "instant tenure", and advocate that probationary periods be abolished. Tenure should be awarded at the time of the first appointment. In seeking to reason by analogy, I have sought for other contracts that do not require probationary periods, and thought I had found the perfect example in the marriage contract. This is probably the most sacred and most important contract involving human beings, a contract that is also supposed to last a life-time, and yet no probationary period is involved, or even allowed. However, when I used this example, I was told that my ideas of the marriage contract were naive indeed, and that probationary periods are now the rage rather than the exception. Alas, I was born too late.

However, to be serious, a probationary period before the awarding or denial of tenure seems so right in theory, and yet, for me, it has become so wrong in practice. Indeed, I now believe that probationary periods bring with them unnecessary costs and undesirable effects, and they should be abolished.

At the University of Alberta, the academic staff chose their own tenure procedures, and they were not in any sense imposed by the Board of Governors. A tenure committee consists of:

1. the Dean of the Faculty, Chairman;
2. two members elected by the Council of the Faculty, both tenured;
3. two members elected by the Department, both tenured where possible;
4. the Chairman of the Department concerned;

and the Committee has powers to add. There is also an appeal procedure available for the use of candidates who have been denied tenure.

During the past two or three years, every case in which a denial of tenure was involved has reached the courts, and the first decision, Elliot and The Governors of the University of Alberta, has now been given. This case has established certain important principles.

1. Tenure tribunals are quasi-judicial in character. They must comply with the principles of natural justice, and their actions are subject to a review by the courts.

2. On natural justice, the following description can be found in the judgment:

> "What, then are the requirements of natural justice in a case of this kind? First, I think that the person accused should know the nature of the accusation made; secondly, that he should be given an opportunity to state his case; and, thirdly, of course, that the tribunal should act in good faith. I do not think that there is anything more".

The judgment makes it clear that the procedures that lead to natural justice in universities need not be identical to the procedures leading to natural justice in the courts. For example, "a right of cross-examination is not essential to the requirement of natural justice, as long as the person is given some other equally effective method of answering the case against him".

To my mind, this judgment has laid to rest the debate as to whether or not a denial of tenure is equivalent to dismissal. All the universities in Canada

will be wise if they now adopt the attitude that the denial of tenure is equivalent to dismissal; and adapt their procedures to accommodate this attitude.

Any tenure committee that uses confidential material does so at its own risk. No person can effectively answer a case against him, if he or she does not see all the evidence upon which the final decision is based. In view of the right to appeal, both on procedure and substance, tenure committees would be wise to have complete transcripts made of all tenure hearings, and definite reasons will have to be given for the denial of tenure.

In view of this decision, those who advocate probationary periods of four or five years duration must now tell us why these are still desirable. Why, for example, should we insist that universities pay the substantial costs to expose hundreds of our colleagues to possible dismissal after a long period of time, particularly when we know that only a handful will receive recommendations for denial of tenure, and even fewer will actually be dismissed. If in fact, such a probationary period is justified, with possible dismissal, why is it not justified every five years thereafter? Certainly, I am against everlasting probation for the academic staff, and belive that such a policy would successfully eliminate the concept of tenure, and would reserve the use of academic freedom only for the brave. Unless we are prepared to claim powers of prophecy for ourselves, I can see no justification for a probationary period after an initial appointment that could not be used to justify periodic reviews with possible dismissal for other periods after the probationary period.

In looking over the tenure decisions at the University of Alberta for the past ten years, I am not impressed with our record of achievement. Thousands of cases were involved, and only about twenty resulted in a denial of tenure. Knowing what I know now, I wonder how many of these decisions would have been upheld if they had gone to court. Nor am I impressed by our record in the awarding of tenure. Some of these decisions have amazed me, others have amused me, and all have left me with the feeling that we continue to act out a play that should have been closed long ago. Indeed, I wish I had the time to relate to you some of the specific cases that have either amazed or amused me, and particularly some that worried me. In any case, I am convinced that different committees would have come to different decisions.

Challenge to probationary periods

I am now in the mood to challenge those who advocate long and tortuous probationary periods to prove their claims for the benefit of these periods by other than polemical arguments for which no proof is usually advanced. I challenge them to say why it is so beneficial for the first five years of a person's appointment, and then ceases to be beneficial for the remaining years of appointment.

My own mind has been made up. I say that the time has come when the staff of universities should stop playing the roles of lawyers and judges, roles that academics are singularly unqualified to play. The time has come when we should stop playing the role of prophets, because the ability to prophesy is reserved for the chosen few. We should refuse to prophesy how our colleagues will perform in the future, and demand that judgment should always be based on actual performance, not on what people are expected to accomplish. The time has come to proclaim our faith in our selection and dismissal procedures, and to say that decision-making procedures required by a probationary period produce, unnecessary, unwaned, and undesirable effects. The time has come to end the use of probationary periods.

DR. MAX WYMAN is the President of the University of Alberta.

UNIVERSITIES UNDER C.A.U.T. CENSURE

The following university administrations have been censured by the Council of the Canadian Association of University teachers:

Mount Allison University (November 1970)

Simon Fraser University (May 1971)

(Under the third stage of censure imposed on these two universities, the C.A.U.T. warns its members not to accept employment with the censured university. Page 69, C.A.U.T. Handbook.)

Also censured are:

Université du Québec à Montréal (November 1970)

University of Victoria (May 1971)

University of Ottawa / Université d'Ottawa (May 1972)

TENURE: SOME QUESTIONS AND SOME SUGGESTIONS

by B. KYMLICKA

I happened to be asked to write this paper at the same time that I was doing some house-cleaning of the many documents, articles and books on post-secondary education that I had accumulated over the last number of years. In sorting out this material, I was struck by a number of things, one of which has a direct bearing on the topic here: the relative absence of the topic of tenure in the large amount of literature dealing with post-secondary education that was published over the last number of years. With the exception of the perennial reports of the tenure committees of the CAUT and the AAUP – showing that the topic, the problem was not dead – there has been very little written on this issue. From the learned and prophetic discussion at the Center for Democratic Institutions, through the articles in *University Quarterly, Change,* and other journals and magazines that devote much or most of their space to discussions of education, to the numerous and often trivial reports and studies of commissions, committees and other similar bodies (in Canada as well as in U.S. and Western Europe), the stress has been on autonomy, financing, student unrest, university governance and research. One has to go back to the early 1960s and even to the late 1950s to find tenure and academic freedom as a live public issue (A good illustration of this neglect, as well as a possible explanation of it, can be found in the following quote from the lectures *On University Freedom in the Canadian Context*, by K. Hare – who is certainly not a person oblivious to or unmindful of the need for academic freedom. After differentiating between "autonomy" and "the freedom claimed by the individual scholar", Hare says: ". . . I think we can say that in most places the freedom of the scholar from his university 'administration', from pressure groups beyond the gates, and from the indifference of the state, has been largely won". p. 12). The issue is now emerging again - mostly, however, in a context of antagonism (ef. for example, the article in *Change,* April 1973, by R. Nisbet). Indeed, the pressure against tenure has been sufficiently strong to lead the Association of the American Colleges and the AAUP, with the inevitable support of the Ford Foundation, to establish a Commission on Faculty Tenure, whose report is about to be released.

Issue of Tenure is surfacing again

That various topics should receive varying treatment and attention over time is not surprising, reflecting as they do the kind of problems and issues facing us at different times. In the case of tenure, the sellers' market of the 1960s with its unusual employment opportunities made tenure and job security less important than some other issues to most professors. Certainly less important than these matters had been to professors of an earlier era who were faced with direct threats to their freedom of studies and expression and who saw tenure as a solution to that situation. Now the tissue is surfacing again, but as is generally the case, not in the same - or even comparable - situations nor due to the same causes. Unfortunately, we tend to pose issues in terms of past experiences and, even worse, in language – and thus of habits of thought – developed in the past. This temptation, understandable though it be, is most compelling at times when current conditions not only differ from the past, but indicate even more change in the future. Then the security of old cliches, representing the good old days, appear irresistible. We resist not only new solutions, even those necessary to protect existing rights and privileges, but also the very analysis of the new situations. It is my suspicion that the status of tenure, and its accompanying issues, suffers exactly from this reluctance to confront and analyze the differing realities. (There is, of course, a simple way to reject my observation: that is to assert that "tenure" and "academic freedom" are abstract, philosophical concepts which, if well argued, can be demonstrated to be good in themselves, regardless of time and historical circumstances. That may well be true. In his paper, however, I am merely concerned with the institutional and procedural arrangements that society – including the professoriat and their employers – have developed to facilitate and/or protect such freedoms and priviledges.)

Tenure is basically a promise of long-term employment, with difficult and complicated procedural safeguards to ensure the protection of such employment. Ideally, these safeguards serve to protect those who have, through their activities – scholarly or otherwise – invoked the ire or displeasure of powerful elements around them: be they politicians, local potentates, university administrators or – and this is not to be forgotten – academic colleagues. The security of employment is justified because we believe that our kind of society would be the loser if the individual scholar were not so protected. It is also fair to suggest that the most well-known tenure cases have, indeed, been fought out in these terms. The fight against McCarthyism in the U.S., for example, was clearly a fight in these terms.

Two-pronged attack on tenure

The current attack on the institution of tenure, however, is not motivated by the dislike or fear of those who cause trouble through their scientific or critical activities. Rather, it stems from pressure that is building up in two quarters: the first internally as a result of a skewed age distribution between tenured and non tenured faculty members (and fueled by the latter's bleak prospects of achieving tenure), the second externally through society's questioning of the use of tenure as an employment practice that seems – at least to those outside the academe – to create an unresponsive and rigid delivery of a vital social service. These two sources of pressure, of course, combine because they, in turn, reflect the more general changes that universities have undergone in the recent past and are likely to undergo in the near future. In combination, they can do considerable damage to university education. I will try to illustrate each source first, then show how it relates to tenure, and then suggest some possible ways of meeting these pressures without destroying the spirit of tenure.

Unless I am dreadfully mistaken, one of the most contentious issues that will emerge over the next number of years will be the conflict between the young, untenured members of the faculty and those who have tenure. The conflict will be much worse than may appear at first because (a) the habit of granting tenure only after a great number of years – or not granting it at all – was broken during the period of labour scarcity; (b) this led both to an early expectation of tenure and to the appointment of many, very young tenured faculty members; and (c) current age distribution, partly due to this early promotion and granting of tenure, partly due to the simple expansion of faculties, now seems to show a vastly disproportionate number of tenured members of faculty in the 35–45 age bracket. This situation would have created problems even if enrollments, and faculty, had not levelled off or decreased, but these phenomena are upon us, and the struggle (competition, if you wish) is inevitable. Any professional organization, any institution that will not make provisions for the resolution of such a conflict in an orderly and equitable way will be delinquent in its duties and may, in fact, destroy its own usefulness. As the battle ground is likely to be "tenure", the provisions must start with that issue.

How this battle will be joined is not difficult to see. As we all know, those who defend tenure always say that this protection of employment does not cover incompetence, neglect of duties, etc. And, in theory, this is undoubtedly true. There are, at any rate, always declarations by all concerned to this effect. Those who attack tenure, however, point out that in practice one has a hard time finding anybody who was ever fired for incompetence. Both sides, it seems to me, take an unnecessarily extreme and foolish position. The root of the present problem is not competence vs. incompetence, but perceived or imagined degrees of competence. The young, non-tenured member of the faculty will seldom argue that he is competent and that one or more of his tenured colleagues is incompetent. Rather, he will maintain that he is merely *more* and *better* qualified than some of his senior colleagues - and, at times, he may even be right. But put in this way, the problem becomes much harder to solve; for the immediate questions that come to mind are not about the moral rightness or wrongness of having a lot of incompetent and slothfull senior faculty around while the qualified and enthusiastic juniors are let go (though this is the way it is being presented), but those that pertain to the procedural and substantive grounds used to arrive at judgements about this relative competence. How do we go about doing this sort of thing? On what grounds do we judge? Who does the judging (senior faculty members only)? Do we really compare competence in the various aspects of our profession?

Of course, put in such a relative way, the emotional desire to depict the issue in black and white is left unsatisfied. However, and this is important for my argument here, the issue is no longer about academic freedom. It is, at best, about competence – in teaching, research or community service – at worst, it is about economic security and simple employment protection.

Now, it does not take much experience or cynicism to anticipate what one of the first proposed solutions to *this* problem will be: the extension of tenure to all members of the faculty. Most likely, such a proposal will come from the administration and will be justified in the very goody-goody terms that we all now use to defend "tenure": academic freedom is necessary for teaching, research, society, etc. and those who need it most are the junior faculty members; *ergo*, give it to everybody. But, of course, the consequence of such an approach is only too evident – by extending tenure to all, nobody, in fact, will have it. Under such conditions, the faculty will be much easier to manipulate and far more difficult to protect in genuine cases of academic freedom. After all, if we all have tenure, why assume that academic freedom has been infringed when, for some urgent financial reasons, it has become necessary to fire a few redundant professors? Indeed, under such circumstances. I would be surprised if the academic profession did not descend from one of the more secure positions to the most insecure one. What the general impact of such an environment would be on freedom, I hate to think. (I should point out, that in ascribing this proposal to the 'administration' I do not do so with malice, but with compassion. It is the 'administration' that is and will be the focus of the battle and, as often as not, will be its first victim – as, I think the first strains of financial stringency have demonstrated at one of the universities in Ontario.)

Economic security

To solve the problem of "tenure", to preserve its spirit, therefore, will demand that policies be devised that allow the young professionals to obtain – and perceive as having obtained – a measure of economic security. Let us remember that we are talking here about men and women who have spent at least seven, but probably between 12 and 15 years of their post high-school lives in the preparation for this particular kind of employment. Hopefully, as the labour market adjusts itself and as we de-specialize the Ph.D. training, the numbers involved will become less bothersome and alternate employment will be found for the products of our graduate schools. But the problem will not likely go away and I suspect that the very existence of "tenure" may well depend on how we solve this internal pressure stemming from the skewed age distribution.

But there are other problems that will make "tenure" a target for attack. Redundancy, for example, because we tended to expand our faculties across the board during the time of rapid expansion, and because universities, like all large organizations, seldom discontinue any program, there will be a number of faculty members who may find themselves declared "superfluous" – and, indeed, they may have very few students to teach. Since support for universities in this country is provided mostly on the basis of student enrollment, this "redudancy" will invariably give rise to the question of whether economic reasons should not override even the provisions of tenure. This, again, is not a trivial matter and will not be solved by merely reiterating the sanctity of tenure or by vague suggestions that such "pastured" professors be given first choice of any prospective future job. It seems to me to be incumbent upon the leaders of the professions, such as the CAUT and the institutional and other administrative leaders, to anticipate the necessary dislocations that our present and future enrollment fluctuation (and behind them the realities of student preferences for the various fields among students) will bring about, and to devise new policies that will cushion these dislocations.

Note that both in the case of the generational struggle as well as in that of the dismissal for "economic" reasons, "tenure" plays a central role; but *not academic freedom*. How are we going to resolve this problem? How can we prevent tenure from becoming a shield protecting not only academic freedom but relative incompetence, relative inaptitude to teach, etc? Does anybody really believe that tenure would not become such a shield under a severely restricted job market? And if this danger is at all eminent, how long will it take before tenure will become discredited? And then what?

This brings me to the second part of my paper: what can we do about some of these more obvious attacks on tenure if it is to survive in some reasonable semblance to the present status. My first observation is that any future attempt to protect tenure as employment security will have to be bolstered by policies developed not for the individual institution, but to embrace a whole system of universities, especially those that receive their financial resources from one particular source. To put it very simply, the "economic reasons" for closing down a department or reducing its tenured staff is not a reflection of any activities – praiseworthy or otherwise - on the part of the institution in which these cut-backs take place. Rather, they are the results of governmental policies pursued as a response to change in social demand as read and translated by political judgement. To embark in such cases upon a great campaign to preserve faculty economic security at the institutional level is apt to be an exercise in futility. At best it will lead to the kind of policy York University was recently reported to have contemplated: accepting salary cuts in order to save one's colleagues from dismissals. Praiseworthy though this attitude may be, I do not think it a desirable – or even tenable – one over a number of years.

Academic freedom defined unrealistically

Now there are, of course, those who will resist, say, any province-wide solution to the problems of economic security. There are still some who believe that university autonomy and academic freedom are interdependent or who define academic freedom in unrealistic and unreasonable terms. (Among the latter, I am afraid, I have to include the CAUT, or, at least, its position as stated in the *Handbook* where "academic freedom" is defined, unrealistically and thus fatally I would argue, as "the right within the university to decide who shall teach, who shall be taught, and what shall be studied, taught and published". [p. 19]. Obviously, "who shall be taught" is a question of admission policy and this is at least as much a matter of social policy as an academic question. I doubt we can – or even should – deny the government its right in this area. Moreover, the term "within the university" is dangerously ambiguous. Suppose the government or one of its agencies, either in fact in even legal terms, takes over the universities and runs them? Does this mean that the government should decide on *all* the other matters mentioned in the definition? I realize, of course, that the assumption that seems to underlie the definition is that the "university" and something called "the academic community" are identical. They are not. Nor is it at all clear what body or bodies represent "the university" or "the academic community". I suspect that the use of language in this definition again betrays our propensity to plaster the slogans of one ear over the realities of another.) Moreover, there are also those – such as the administrators and the whole panoply of voluntary provincial and national associations of universities – who have a vested interest in keeping up the pretence that institutions have autonomy and that they themselves play an essential role in keeping the government at bay. Needless to say, these people will view any system-wide solution or policy as a threat to their own power and prestige; as, indeed, they are. Through the process of change will educate some who lag behind in the appreciation of the current situation, and will overtake others who fail to adjust, I am afraid that this slow development may involve costs and hardships that are unnecessary and harmful to both university education and the prefessoriat. It would seem to me, therefore, that any effort to coordinate the system as a whole should include, at a very early stage, policies

that would provide both for greater economic security of the professoriate and for occupational mobility. That effort should be made in direct consultation with our professional organizations.

The following areas could be considered as falling within such attempts. One is the problem of "superfluous" or "redundant" professors. Without necessarily accepting the proposition that there are or will be any such persons (after all, "redundant" professors are a function of our – governmental? institutional? – definition of faculty-student ratios and other academic activities; the phenomenon is not devinely ordained), it is plausible to assume that some fields, some disciplines, will lose students and thus the demand for professors to teach them. To saddle each individual institution with the responsibility of looking after these teachers is unfair, stupid and unnecessary. Surely, if a province-wide view is taken of this matter, the discipline or faculties in question could be rationalized and the professors concerned given the opportunity to transfer to other institutions. (I can already hear the derisive calls about "hauling deadwood from one place to another" – and I think those who say so should be asked to make specific charges, for I think there has been far too much loose talk about "deadwood" in the academic community without anybody ever proving it. Decline of interest in, let us say, classics or mining engineering, hardly makes a professor in that field "deadwood".) But such transfers are not likely to be worked out among the institutions on a voluntary basis. Such a scheme would probably require government or a governmental agency to carry it out.

Secondly, it is, of course, possible that such transfers between institutions but within one field will not be sufficiently flexible to accommodate changing demands. In such cases, programs for possible re-training should be established. Again, common sense will dictate the limits of such programs – not many people would think it possible to turn a 50 year old historian into an anaestethist (unless it be those who have taken his – or her – course); but I am not persuaded that there can be no transfer of skill and knowledge between academic disciples. I would be surprised if an economist, after one of two years of leave for study, would not make a respectable sociologist or political scientist – or vice versa. Moreover, and hopefully, such retraining programs might encourage transfers out of the academic life entirely. But, again, I see no other but a governmental agency or program that could provide this service.

Thirdly, it is possible that in certain highly specialized fields, some form of short-term manpower planning should be encouraged to alleviate possible future "redundancies". For example, it should not take a genius to figure out how many pathologists are likely to be needed in Ontario hospitals in the next few years or how many are now in training. I would think that even the compilation and delivery of this information to prospective students would be sufficient to accomplish much good. Yet, I don't think even this is being presently done.

Tenure and academic freedom

These are only some of the more obvious moves that would relieve the pressure on "tenure". There are many other ways which I hope will be at least discussed in the near future. These new approaches – even if successful – will not completely repulse the attack on tenure as a condition of academic employment but they may lessen the pain of adjustment and perhaps prepare the ground for a major revision of our concept of tenure. For I think we can – within a broader framework of employment security – afford to look more forthrightly at the alleged necessary connection between tenure and academic freedom (I do not intend to waste time on discussing its alleged connection to institutional autonomy). I say alleged because I suspect that while in the past tenure may have protected some professors in the exercise of academic freedom, it will – under the changing circumstances – more likely become an exercise in the protection of employment, *regardless of any overtone of freedom.* As such, however, it will become indefensible and, either through universal application or sheer disregard arising out of economic considerations, ultimately ineffectual. We should, therefore, also think of some new ways to protect academic freedom (indeed I would prefer to advocate the protection of freedom for all, rather than a special privilege for a particular profession). My impression is that such protection can best be sought through strong procedural safeguards, negotiated, supervised and defended by a strong professional association. I would also prefer to see some outside authority – either in the form of an ombudsman or in legal provisions – that would fortify the rights and the freedoms of the professors. For we must not forget that those who really need such protection are those who cause "trouble" through their writings and teaching and do so, more often than not, by criticizing the existing dogmas and theories of their colleagues. Frequently, alas, this compulsion to criticize resides in an "unpleasant" or "prickly" personality. One should not assume that academics are any less prone to prejudice than any other group; and to protect those who need it from these prejudices may demand some extra-institutional and extra-professional help.

If we ameliorate the concerns and fears stemming from employment insecurity and if we provide sufficiently strong protection for academic freedom proper, then perhaps we can review the very concept of tenure. It may well be that we could arrive at some negotiated, long-term – perhaps even civil service type – contract. (On this issue, by the way, there is a lot of uninformed and silly talk. For a calmer discussion of the matter in the form of a comparison between the conditions of employment of scientific workers employed by the federal government and academic employees, see "Academic Public Servants and University Faculty: A Comparative Note", by Z. Kay and J. B. Marshall, and published in vol. 2 of the *Studies on the University, Society and Government,* prepared for the Commission and printed in 1970.) Such contracts could include guarantees of the kind of programs and policies I have mentioned earlier and could,

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TENURE AND CUTBACKS

by A. E. MALLOCH

I was a little shaken, just after agreeing to take part in this panel, to find the statement in the QUEEN'S QUARTERLY that so many articles have been written over so many years defending and attacking the concept of tenure that it is reasonably certain that nothing new, nothing important can be said about it. It was some comfort to learn that the author of the statement was also going to take part. And anyway, if I know our resourceful Executive Secretary, there is a hidden grand strategy behind the whole thing — like mounting such verbal pressure on the AUCC and the public that we reduce them to a condition where they offer the following bargain, "If only you people will agree to stop talking about tenure, then we'll agree to let you retain it."

Perception of tenure modified

The word *tenure* has been a fixture for some time, but perceptions of what tenure implies have modified and developed significantly in the past quarter century. In the 1940s and '50s tenure in North American universities seems to have been at least as much a mark of full membership in the profession as it was an assurance of a continuing appointment. Those of us who began teaching in the 1950s will remember how common it was to have voting membership in university bodies restricted to tenured, or senior professors. So it came as no surprise to me to learn that in the early days of the CAUT Committee on Academic Freedom and Tenure, the Committee rejected appeals for assistance from some faculty members on the grounds that since they did not enjoy tenure, the Committee was unable to assist them. The influential Statement of Principles on Academic Freedom and Tenure issued in 1940 by the American Association of University Professors focussed on the status of the tenured professor. It insisted that the probationary period preceeding the granting of tenure should not exceed seven years, and insisted that if the teacher was not "to be continued in service after the expiration of that period, he should have at least a year's notice." But the question of *how* he was to be considered for tenure was not raised, and I think we are to suppose from the statement that decisions about the granting of tenure were to be made by those already tenured.

By the time the CAUT Policy Statement on Appointments and Tenure was adopted in 1967, the emphasis has shifted subtly but significantly. The function of tenure as a safeguard of academic freedom is fully set out and the safeguard itself detailed in the section on dismissal procedures. But the probationary appointment is now given much greater attention. It is no longer seen as a mere apprenticeship. In one of the most significant (and often still neglected sections) in the guidelines, the presence of untenured as well as tenured members is called for on the tenure review committee. Furthermore, the guidelines call for procedures that insure a faculty member holding a probationary appointment full opportunity to make his case for tenure. The 1967 statement I think defines the basic right of the faculty member holding a probationary appointment, namely the right to be considered fairly for tenure. And that right is further safeguarded three years later by an amendment to the policy statement which seeks to ensure that the right to be considered for tenure will not be preempted by a non-renewal which it not itself subject to some form of appeal.

The successive elaborations of the CAUT position on tenure and probationary appointments have often been represented to us by university presidents as a campaign of attrition that originated in a defence of the rights of tenured faculty, that moved by infiltration into this disputed area of probation, consolidated that area by the device of written reasons, and even now is planning god-knows what forays into new territory.

CAUT's position evolved

But there is another, at least as plausible explanation of CAUT's evolving position on tenure, namely that CAUT's own understanding of tenure has evolved with the evolution of the university world itself. It shouldn't be surprising that in the 1950s, a period of relatively stable establishments in Canadian Universi-

ties, tenure should have been discussed chiefly in relation to on-going faculty appointments. It shouldn't be surprising either that by the late 1960s, when the expansion of University establishments was the most rapid, that the question of how the younger faculty member on a probationary appointment was to be considered for tenure should have commanded particular attention. And finally it should not surprise us now, when university operating budgets are being stabilized or even reduced, that CAUT should be particularly concerned with such things as the ratio of tenured to untenured staff, or the question of when tenured appointments may be terminated for budgetary reasons.

In short, the concept of tenure itself has a history. But the two basic elements have always been there - the continuing appointment which gives the tenure system its name, and the probationary period that necessarily precedes it. And these elements have been frequently and eloquently defended, tenure on the grounds of the protection it affords for academic freedom, probation on the grounds that a university almost never knows enough about a new faculty member to make a commitment to him that tenure involves.

But the reason we are having a session on tenure and cutbacks is that we are now hearing the argument that the tenure system with these two basic elements is not workable in a period of budgetary constraints. How can a university see far enough ahead to commit itself to permanent appointments, and what good is a probationary period if the decisive consideration in a tenure review is as likely to be the budget as it is the faculty member's qualifications or capacities?

Two answers . . .

I think there are two kinds of answers to these questions. First, in spite of the novelty of the terms "budgetary restrictions", "cutbacks", etc., we are not in a fundamentally new situation. Academic appointments have always been closely related to budgetary constraints, even though the constraints have operated in different ways in different periods. Universities in the late '60s were constrained by their enrollments and their budgets to make sufficient number of appointments to cover the courses being taught, even though the supply of qualified persons was short. That was not a constraint that was much resented, or even perceived, especially by younger faculty, but it was a constraint nonetheless and I think accounts very largely for the sort of phenomenon described by Dr. Wyman in several recent articles — the very high proportion of faculty members who were granted tenure at the end of probationary periods in the 1960s. It is as much a budgetary constraint, it involves as much of an extrinsic consideration, to make an appointment because you need someone to fill a slot, as it is to refuse to make an appointment because you haven't a slot to fill. When we swing rapidly from one kind of budgetary constraint to another, a severe readjustment in our habits of thinking is obviously going to be called for, but I would argue that this is possible within the proper limits of the tenure system. CAUT has heard it argued in the past year at certain universities that no more probationary appointments should be made because when the time comes for tenure review, there may not be any tenure positions open, or because the university does not want to increase the percentage of its tenured staff. But it is no part of the tenure system as I understand it that all, or even most of the faculty members holding probationary appointments, must subsequently be given tenured appointments. The official CAUT position since the adoption of our guidelines in 1967 has been that there should be a limit on the length of the probationary period, that there should be a tenure hearing in which all the relevant considerations are reviewed, and that if tenure is denied, there should be a statement of reasons for the decision. Faculty members who would prefer to construe that to mean, "unless a person's work has been unsatisfactory, he ought to receive tenure," are inviting university presidents to substitute mere term appointments for probationary apointments, and so to undercut the tenure system altogether. I'm afraid I must also go on to say that it is no part of the tenure system as I understand it that a tenured professor may not be dismissed for cause, even when that cause derives chiefly from budgetary constraints. The possible termination of tenured appointments for reasons of "financial exigency" was foreseen in the 1940 AAUP Statement. It is true that the language of our 1967 policy statement suggests that the drafters assumed that cause for dismissal would normally be related to the performance of the faculty member himself, but the actual procedures that are called for in no way exclude the arbitration committee from finding a cause that is grounded in academic priorities and budgetary constraints. Faculty members who would prefer to argue that tenured faculty members can never be dismissed for budgetary reasons, or that they can not be dismissed for budgetary reasons until all untenured faculty have been let go, are inviting university presidents simply to freeze the number of tenured posts in their university and so in another way destroy the probationary appointment.

A little earlier I traced the evolution of emphasis in discussions of tenure over a couple of decades, hoping to suggest that the particular assumptions about tenure that may develop in any given period must not be confused with the basic elements of the tenure system itself. Granted that the adjustments we're being called on to make now are more painful and more demanding than those that we made (almost without realizing it) in the 1960s, but I belive nevertheless that the tenure system is sufficiently resilient to contain them.

In the two decades since the founding of CAUT, faculty members in Canadian universities have rightly claimed a major role in decisions on academic apointments. If we now show that we cannot handle the problems presented by appointments in a cutback period, then those problems will be handled for us by presidential directives. CAUT has seen a few of these directives already, and it is obvious that whatever else they may be designed to do, they are not designed to preserve either the role of faculty in appointments, or to preserve the tenure system.

DR. A. E. MALLOCH teaches English at McGill University and is the Chairman of the CAUT Academic Freedom and Tenure Committee.

ACADEMIC FREEDOM AND TENURE

by JOHN JUDSON

(This is an edited version of a taped speech delivered by Prof. Judson in Charlottetown)

There are two problems. One problem is protecting academic freedom; another problem, quite different, is what's been called job security – I prefer to call it income security.

First – problem of academic freedom. It is the one that I have always understood to be bound up in the notion of tenure. The academic community has sold everybody on the worthyness of tenure because it protects academic freedom. Underlying that, and something that we all knew was happening and that we were afraid to admit was happening, was that tenure also talked about job security. It talked about a sinecure; it talked about keeping a man on because – damn it all, poor Charlie has been with us for 30 years and his youngest is not through college yet . . .

If we forget the word tenure for a moment, and address ourselves to the two problems, then the question is very straight-forward. What are the procedures and the policies that we adopt to ensure one - academic freedom; and two, assuming that we want job security of some sort – what are the procedures and policies we adopt to ensure that . . .

I suggest to you that there is no question that academic freedom is a right of all teachers and all scholars. It is not something that you earn, it is not something that you earn any more than freedom of expression is a right that you earn . . . It is a fundamental right. The problem that we're faced increasingly with is the problem of income security. And it is not a problem unique to us. Indeed, we're probably the last of the population in statistical terms, to be faced with that problem.

The problem in both areas is first of all, to develop desires – what do we desire, how do we articulate these desires in fairly specific terms. Having articulated those desires (or demands) we then want to know how we can carry them out, bring them to fruition, and protect them in the future.

Let me digress here for a moment and caution you against the judicialization of your relationships. There is nothing more regidifying and indeed more frightening than the overjudicialization of relationships in the administrative process whether it relates to tenure decisions, promotion decisions, compensation for an injured workman, or the granting of a licence to a new cablevision station. *Making it like a courtroom is no guarantee* . . . The only guarantees are having good people . . . People who understand what the demands and the desires are on both sides; and who are willing to listen hard to everything that is relevant. The notions of cross examination and "I get to see the evidence first, and . . . I get to have discovery" and all of that sort of thing, in my experience, tends to exacerbate relationships rather than help them. That's not to say that the procedures that have been developed in the policy guidelines of the CAUT and in local bodies or indeed the common law rolls of natural practice are not important; but I must caution you that procedures won't solve your problems. It is for that reason that I would suggest to you a couple of things.

I suggest to you that you work at instructing the other side of this matter – the government, the administrations of the universities – in the needs and the very earnest desires that you have. It is so easy to see the "enemy" as a group of people who are bent on your destruction . . . You are dealing with people who have to understand what you are about. And it seems to me that not only the university administrations but the governments that you have to deal with, are the agencies that you have to be able to come to an understanding with. It will not help you to have all the due process in the world if the judges, the guys who make the decisions finally . . . don't understand what you're doing.

I think that it bears repeating that these are two different issues here . . . there are two different sets of procedures to be looked at, and there are probably two very clear and diferent solutions to these two problems.

Professor John Judson teaches Law at the University of Western Ontario.

TENURE AND CUTBACKS (II)

Following the panel discussion on Tenure and Cutbacks, members of the audience and the panelists themselves commented on areas related to the subject under debate.
The following is an edited version of the discussion.

DR. MAX WYMAN . . . *the continuing appointment would be the one that normally would have to be given to a probationary period appointment. . . .We've always had the two types of appointments; we've always had one year appointment, two year appointments and indeed, say in the faculty of medicine, we've had the continuing, even part-time appointment. And so, at no time did I envisage for example that everyone should be given a continuing full-time appointment . . . but just to continue the present practice, where the instant tenure would be for those that would normally have obtained a continuing appointment with probation.*

PROF. LLOYD NEWSHAM (Alberta) . . . *I still feel that there is a need for tenure probationary period and one of the things that has struck me in contact with tenure problems is what we seem to need tenure for is very largely protection from one another . . . and not against malignant university presidents or even boards of governors. University professors in general tend to be a very demanding group, they're hard on themselves and they're hard on one another . . .*

PROF. RICHARD SPENCER (U.B.C.) . . . *I would like to make a comment which bears directly on something that was said. Namely whether or not we really need a probationary period. I think that this is a question on which we may very well shift our ground as the years go by.*

One of the reasons why I believe this, is that it is very clear to me that the university is not asking its professors to produce anything which is readily subject to measurement. And indeed, my extreme disquiet with the 'publish or perish' atmosphere which has prevailed is that publications alone . . . do not in any way measure the merit of a professor. And even the quality of a professor's publications (if we can in some way put a figure on that) doesn't necessarily reflect his real worth to the university.

If we are therefore in a situation where it is extremely difficult to measure or even to rate professors one against the other, then it certainly follows in my view, that we should be extremely cautious about sitting in judgment over professors.

And this leads me to two points. Firstly, it is interesting to me that the CAUT is about to consider, or is considering guidelines or policy statements having to do with initial appointment of the professor. It is certainly my belief that this is indeed the most important decision which is normally taken in terms of a professor's employment, and that once he is in the university, whether or not he has tenure, he should of course be offered reasonable guarantees of academic freedom, and further, in my view, it is not unreasonable to suggest that he should not be subjected to some rating procedure where he may be called upon to prove that he is indeed one point in a hundred better than another candidate for the same job. It may be much more healthy for that rating to be done before any offer is made to the professor, and before any guarantee of academic freedom, or a place in which he can practice whatever his profession is . . . is extended. And I am very pleased personally, that the CAUT is developing a position on what should be done, what examination should be made, what procedures should be followed before the first appointment is made.

The second point that I wish to make . . . is one of the major topics for this discussion and that is the problem of budgetary cutbacks, or cutbacks for budgetary reasons. And it does seems to me that here inevitably it may be necessary to rate professors relative to each other. Really, if we are going to have to do it in that situation, and I suspect that . . . this will become a reality, then perhaps this is another reason for asking ourselves whether we might not forgo the pleasure of sitting in this kind of judgment on our colleagues at another time, namely when they first come up for tenure.

PROF. LARRY ELDREDGE (Ottawa) . . . *I appreciate the comments made on the separation between the protection of academic freedom and job security, but it still seems to me that we've been putting down job security as something being unworthy of a gathering of academic people. I would suggest that it is not. We've made mistakes in the past in people we hire, we're making them now in the people we hire, but we*

have to learn how to live with mistakes that are unavoidable and that seem to be permanent. You can't kick out the old people just because they are old . . . The second point I would like to make is in response to the (subject) of procedures vs the good men. I found myself in fundamental agreement with the idea that good men are the crucial factor in everything that we do, yet at the same time I think that to play procedures lightly is to take things to a very impractical pass. We need both good procedures and good men, and we can't have the one without the other.

PROF. JEAN-PAUL AUDET (Montréal) *. . . Je voudrais, si c'est possible, ajouter deux considérations qui ne paraissent pas voir occuper beaucoup de place dans les observations que nous avons entendu. Je pense en particulier que, pour ma part, la sécurité d'emploi est au terme extrêmement limitatif pour la véritable situation, parce qu'elle se place entièrement du côté de professeur. Il ne faut pas oublier que le professeur a une relation avec l'étudiant, et que, si le professeur lui-même instable, pour une raison ou une autre . . . parce que la continuité dans la fonction est extrêmement importante pour la continuité même de la formation des étudiants. Et en particulier au niveau de la maîtrise et du doctorat. (Alors) dans toute discussion concernant la continuité de l'emploi plutôt que la sécurité de l'emploi, il me semble que la considération de l'étudiant devrait être mise en avant, parce que sans elle, je pense qu'on parle de questions purement professionnelles . . . Il s'agit pour moi la sécurité aussi de l'étudiant. Et cela est la première importance dans une université.*

De point de vue du professeur, de la sécurité de ses projets de recherche . . . s'il n'a pas devant lui plus d'espoir que quatre ou cinq ans . . . vous aurez toujours, des gens qui formeront des projets à court terme . . . Je pense que dans nos considérations il y a peut-être un accent excessif mis sur la question de l'emploi et peut-être on rejettent trop dans l'ombre la continuité de la fonction et du côté de professeurs et du côté de l'étudiant.

PROF. M. UZUMERI (Toronto) *. . . One of the points that have been made in a number of places is that tenure is defence of incompetence. I think that we ought to face ourselves to that particular issue . . .*

To argue in that vein, and to say that to try to abolish the idea of tenure because of this kind of consideration, I think that one ought to keep in mind . . . that any group of people, no matter what the numbers are . . . will develop some system of income or job security. This continuously has been based on seniority. The person who comes into the system last, goes first, due to cutbacks and what have you . . .

If you do get rid of tenure, if it goes, I think that what will happen is seniority; and that's worse.

PROF. JOHN JUDSON *. . . If what you're talking about is income security or job security, then it is not obvious to me . . . that seniority should not be looked at askance. It is a system which was adopted by other groups after just as long and difficult deliberation about how you secure a person's job and on what basis. When does a person deserve to get a secure job? Does he only deserve this privilege as long as he's good, or because he is the best, or he deserves it because he's been there a long time and therefore, at least has the investment of time . . . It's not obvious to me that security is bad. And I think that you might want to turn your minds to whether or not a seniority system at this time is at least less destructive to the institution than any of the other systems that have been proposed.*

DR. WYMAN *. . . The problems of financial exigency are very grave indeed. Roughly speaking, the salaries that are paid to academic members are only about 40 per cent of university's budget. We pay very close to the same thing to non-academic staff. And we have many services that we spend literally hundreds of thousands of dollars on. When do we let a staff member go compared, let us say, to a cut in the library grant? And things of that kind all come into . . . (consideration) when it is truly necessary to let a staff number go. And I think that any university that is going to use the argument of financial exigency better come well prepared, because I think that many of these cases are going to court from now on.*

I think that what is wrong in Canada at the moment is the way universities are financed . . . especially in Ontario and Alberta, those provinces that I know best of all, that are on formula financing . . . I think it is sheer nonsense to say that university expenditures should go up and down proportional to the number of students. In fact, if we have . . . one enrolment unit (which is half a student) . . . we get a certain number of dollars more and if another half a student fails to come we get a certain amount of dollars less. I think that what we have to do is to try to get, what I would prefer to call 'plateau' financing. With government planning, and we'd have to have government planning where you have a university system in a province now . . . they tell the University of Alberta that you're going to service 18,000 full-time students, that the amount of money can be calculated by such a formula, but it will be given plus or minus, say a tolerance of seven and one half per cent, and that no variation in monies will come on these enrolments. And then, I think we'd have a stabilized type of staff that we could plan for . . . Obviously if these were a serious over-planning where you went outside of the plateau, and then it would legitimately go down, well, then I think governments should take this into account and allow you maybe five or six years, and let normal atrition reduce it down . . . because no matter how hard you try, I don't think you're going to get any satisfactory way of firing tenured staff . . . I think that we have to make governments aware of this.

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C.A.U.T.
A.C.P.U.
newsletter

CAUT meets with the Minister of Immigration

OTTAWA . . . The Canadian Association of University Teachers met with the Hon. Robert K. Andras, Minister of Manpower and Immigration to discuss issues relating to immigration and national security.

The CAUT delegation, composed of Professor Charles Bigelow of the University of Western Ontario and Past-President of the CAUT, Professor Jacob Ziegel of Osgoode Hall, Professor A. E. Malloch of McGill University and the Chairman of the CAUT Academic Freedom and Tenure Committee, and Professor Donald C. Savage, Executive Secretary of the CAUT, met the Minister Friday, July 20. The CAUT represents some 17,500 faculty members in 51 local associations.

The concern of the CAUT arose from a series of some 14 immigration cases involving highly qualified academics over the past 15 years. The recent case of Professor Istvan Meszaros of York University crystallized the desire of the CAUT to seek changes in the Immigration Appeals Board Act.

In more than half the cases in which the CAUT has been involved, the professor in question was excluded implicitly or explicitly on security grounds. Yet in the view of CAUT the evidence for such damaging allegations was never forthcoming, even though the reputation of the individual could easily have been destroyed. In addition, in many of these cases the Department excluded the professor but then allowed entry after a public outcry. The CAUT believes that the exercise of this discretionary power is called into question by the handling of these cases and that all such acts should be subject to review by an independent body.

The CAUT had two specific suggestions to make to Mr. Andras. Firstly, it recommended that the right to appeal should be extended to those who could claim a legitimate interest. The act already allows sponsors to appeal denials of entry to their relatives. The CAUT believes that legitimate employers who have offered a contract to a non-Canadian should also have the right to appeal the refusal of entry. In the case of Professor Meszaros this would have allowed York University to appeal to the Immigration Appeals Board which it could not legally do under the present regulations.

Secondly, the CAUT urged the Minister to create an independent judicial review of all contested security cases. The CAUT recognized that there were problems involving the national interest but that this could be protected by *in camera* sessions.

Mr. Andras replied by expressing his concern about problems raised by cases such as those in which CAUT was involved. He expressed interest in trying to develop an independent review mechanism in security cases. He promised that the CAUT would be heard in connection with the proposed Green Paper on Immigration which he hoped would lead to a large-scale revision of the immigration regulations.

The CAUT's presentation was based on a position paper which was approved by both the Academic Freedom and Tenure Committee and the Board of the CAUT. The CAUT will be making further representations to the Minister through its standing Committee on Relations with Governments.

Given the Minister's concern, the CAUT, through a proposed Subcommittee on Immigration, will endeavour to present its views to the federal government in connection with the proposed rewriting of that part of the Immigration Act which relates directly to foreign professors, as evidenced by the cases in which the CAUT was involved directly in the past. The Subcommittee members are Prof. Jacob Ziegel (Osgoode Hall), Prof. R. Haynes (York University) and Prof. Melvin A. Hill (York University).

Hon. Robert K. Andras, Minister of Manpower and Immigration listens as Prof. Charles Bigelow (centre) makes a point. Dr. Donald C. Savage looks on.

L'ACPU Rencontre le Ministre de l'Immigration

OTTAWA. . . L'Association canadienne des professeurs d'université a rencontré l'honorable Robert K. Andras, ministre de la Main-d'Oeuvre et de l'Immigration pour discuter de questions touchant l'immigration et la sécurité nationale.

La délégation de l'ACPU, composée du professor Charles Bigelow de l'Université de Western Ontario, président sortant de l'ACPU, du professeur Jacob Ziegel d'Osgoode Hall, du professeur A. E. Malloch de l'Université McGill, président du Comité de la liberté universitaire et de la permanence de l'emploi, et du professeur Donald C. Savage, secrétaire général de l'ACPU, a rencontré le ministre le vendredi 20 juillet. L'ACPU représente environ 17,500 professeurs répartis en 51 associations locales.

L'ACPU s'est inquiétée au sujet de 14 problèmes d'immigration touchant des professeurs hautement qualifiés qui sont survenus au cours des 15 dernères années. Le cas récent du professeur Istvan Meszaros de l'Université York a décidé l'ACPU à demander des changements à la loi sur la commission d'appel de l'immigration.

Dans plus de la moitié des cas intéressant l'ACPU, le professeur en question était exclu implicitement ou explicitement pour des raisons de sécurité. Toutefois, selon l'ACPU, aucune preuve n'était jamais fournie à l'appui de telles allégations, même si cela pouvait facilement détruire la réputation de l'intéressé. De plus, dans plusieurs de ces cas, le ministère avait commencé par interdire l'entrée au professeur et la lui avait ensuite permise sur réclamation du public. L'ACPU croit que l'exercice de ce pouvoir discrétionnaire est mis en question par la façon dont ces cas avaient été traités et que toutes ces décisions devraient être revues par un organisme indépendant.

L'ACPU avait deux suggestions précises à faire à M. Andras. La première était d'étendre le droit d'appel à ceux qui peuvent légitimement y prétendre. La loi permet déjà aux répondants de faire appel contre les refus d'entrée opposés à leurs parents. L'ACPU croit que les employeurs légitimes qui ont offert un contrat à une personne qui n'est pas canadienne devraient avoir le droit d'appel contre les refus d'entrée. Dans le cas du professeur Meszaros, ceci aurait permis à l'Université York de faire appel à la Commission des appels de l'immigration, ce qui n'était pas possible légalement selon les règlements actuels.

Dans sa deuxième suggestion, l'ACPU recommandait au ministre de créer un organisme indépendant pour réviser tous les cas de sécurité contestés. L'ACPU a reconnu qu'il y avait des problèmes touchant la sécurité nationale, mais que celle-ci pouvait être protégée en tenant des séances à huis clos.

M. Andras a répondu en exprimant son inquiétude au sujet des problèmes soulevés par des cas comme ceux qui concernent l'ACPU. Il a dit qu'il était prêt à essayer de créer un mécanisme de révision des cas de sécurité. Il a promis que l'ACPU pourrait se faire entendre au sujet du projet de Livre vert sur l'Immigration qui, il l'espérait, conduirait à une révision d'envergure des règlements de l'immigration.

La démarche de l'ACPU était basée sur un document de prise de position approuvé par le Comité de la liberté universitaire et de la permanenece de l'emploi ainsi que par le Bureau de direction de l'ACPU. L'ACPU fera d'autres démarches auprès du ministère par l'intermédiaire de son Comité des relations avec le gouvernement.

Etant donné l'intérêt exprimé par le Ministre, l'ACPU, par l'intermédiaire d'un sous-comité qu'elle se propose de former pour étudier la question, tentera de faire connaître son point de vue au gouvernement fédéral. Plus précisement l'ACPU fera connaître ses vues concernant l'amendement projetée de cette partie de la Loi qui, comme l'ont démontré les cas dont l'ACPU s'est occupé dans le passé, touche directement les professeurs étrangers. Le sous-comité sera formé des Professeurs Jacob Ziegel (Osgoode Hall), R. Haynes (York) et Melvin A. Hill (York).

Denial of tenure equals dismissal

A recent case has established that the committees used by universities to reach decisions are quasi-judicial in character, and their actions are subject to the scrutiny of the courts. It therefore behooves every university to understand what natural justice implies in a university setting, and to ensure that adequate safeguards of that natural jusice are enforced. For years, a debate has raged within the university as to whether or not a denial of tenure was equivalent to a dismissal. That debate is now over and has been settled by the courts. A denial of tenure is equivalent to a dismissal, and the careful procedures used to provide for due process, a fair hearing, and the establishment of just and adequate cause for dismissal must now be incorporated into our tenure procedures. Fortunately compared to other universities, the University of Alberta has gone a long way along this road, and, indeed, the courts have examined and accepted the procedures we now use. However our committees are not yet aware of the new implications, and misuse of acceptable procedures will, in my opinion, be punished by the courts.

From an address delivered by Max Wyman, President of the University of Alberta, at the Spring Convocation, held May 28, 1973.

RECIPROCAL AGREEMENTS

Formal reciprocal agreements are now in effect whereby members of the Canadian Association of University Teachers visiting certain foreign countries for the purpose of research or of teaching will automatically receive the services of the professional organization in the host country. Professors who wish to avail themselves of this service should write to the Executive Secretary for a letter of introduction.

Organizations with whom reciprocal arrangements exist are:

1. **Association of University Teachers (United Kingdom)**
2. **Federation of Australian University Staff Associations**
3. **Association of University Teachers of New Zealand**
4. **Hochschulverband (West Germany & West Berlin)**

It is expected that arrangements with other countries will soon be sanctioned.

I am at a loss to see why professors are entitled to less job security than so large a part of the working force of the country...

Alwyn Berland, Past Executive Secretary, C.A.U.T.

Alwyn Berland, the Past Executive Secretary of the CAUT, was born and educated in Chicago, and did his post-graduate work in English at Cambridge. After completing work at Cambridge he returned to the United States and taught at the University of Kansas at Lawrence.

He moved to Canada in 1963 to take a position at the newly-developing Regina Campus of the University of Saskatchewan which, he says, sounded like a very exciting enterprise to be involved in. He taught at Saskatchewan for six years where he was the Chairman of the English Department, and came to Ottawa to work for the CAUT in 1969.

Currently Professor Berland is settling into his new position as the Dean of Humanities at McMaster University.

Interviewed for the C.A.U.T. Bulletin by Israel Cinman.

Bulletin: What do you consider to be the most important developments in the CAUT during your term of office as Executive Secretary?

Berland: Well, I think, that when you look at the CAUT from its origins in 1950-51 as a national organization, there is little doubt in my mind that the main thrust for the formation of the CAUT was the deplorable economic condition of the faculty at that time. The economically disadvantaged state of the profession; the difficulty of professors at the local level in making any kind of economic progress. I think that there is a very widespread recognition that a national body which could share information, exchange information, act as a lobby group... these were the main impulses for the formation of the Association, and as it developed over the years, of course, it took on a number of other missions, other responsibilities... Through the years, I think that the thrust of the organization, as a national or federal group, changed considerably... by the time I arrived in Ottawa as Executive Secretary, our services to the profession on the economic level seemed to me pretty secondary for the obvious reasons that salary negotiations and so on, are a local affair, at best provincial; and as a federal group we could not participate very usefully or very actively in those affairs except mainly as support, back-up kind of thing. We were responsible mainly in getting DBS, later Statistics Canada, to publish annual salary figures... We've continued to work with that and other kinds of support material and to provide guidelines in economic areas. But I think that the main shift became more and more the protection of individual faculty members and of the profession on the whole, on the terms and conditions of faculty appointment — the way in which appointments are made, the way in which renewals are made, the way in which tenure is protected. Part of this of course involves the protection of academic freedom... but more and more our... concern has moved towards the professional status, the professional protection of academics. First as professionals, and second as academics, with that very peculiar kind of protection academics need if the university is to stay a university.

Obviously we are concerned with other things — federal finance; the support of education; the relationship of universities with government; professional ethics. All of these strike me as having to do with the whole conception of university professor as a professional. And our concern has been with both his rights and responsibilities as a professional.

Bulletin: What major problems related to the professoriat and to higher education in general, do you foresee?

Berland: Well, really more of the same, but possibly with newer ingredients that will make the problems in some ways more difficult. By that I mean as the history of universities continues to develop in Canada, it becomes more and more obvious that governments, particularly provincial governments, are going to want to supervise university work more and more closely, and indeed, sometimes to control it. Governments want to have much more particular say on the conditions of employment, on matters of salary, on things like workload; what is taught; where it is taught; and possibly even, who will do the teaching. So that a great many of the problems that we've dealt with before at a local level, that is, faculty in relation to faculty, to administrators, to boards of governors, are shifting ground somewhat, so that we're dealing more and more with governments. And because governments are most remote and less sensitive to academic pressures, academic arguments and academic persuasion, I think some of these tasks for the CAUT in the next few years are going to be very difficult indeed.

Bulletin: Do you foresee any special problems in post-secondary education in Ontario?

Berland: There are some immediate problems. First of all there are acute financial problems confronting Ontario universities. Budgets have been shrinking, enrolments are dropping. Since university support depends on enrolment through the basic income unit, the B.I.U., universities are having very hard times at the moment in Ontario. I think the humanities, social sciences, are being squeezed very, very sharply, partly because of drops of enrolment, partly because they seem to serve the immediate, or short-range needs of the province rather less than the professional schools — than engineering... I think, therefore, that one of the most acute problems facing universities, certainly in Ontario, will be not merely holding on, or diminishing in size and scope because of budgetary restraints,

but I think the university is going to have a hard time maintaining any sense of what universities are for and what they're about, above and beyond the manpower function — the training of skilled personnel for immediate job needs in the public and private sector. As an old humanist before, during, and after my work with the CAUT, this concerns me a good deal. Because I'm still convinced that the basic arts and sciences are at the heart of the university, and I see them being threatened very sharply by budgetary problems.

Bulletin: Do you have any views on the Wright Commission?

Berland: Well, I have all kinds of views on the Wright Commission . . . Let me, for a moment, confine myself to the final report of the Wright Commission, rather than its earlier draft report. It seems to me a mixture of very good things and very badly thought-out things; of wise and useful reflections about the state of universities and their future, and a number of other discussions and recommendations that seem to me often contradictory, inconsistent, sometimes, as I say, very badly though-out, and possibly conceived through either political compromise — an attempt to get a large number of people to agree — or an attempt to second-guess administrations and government in the direction one might go.

Let me give you an example. There is a recommendation in the Wright Commission Report for an open university. Open university has had a great deal of discussion, a great deal of apparent success in England, and it seems to me that the Wright Commission was anxious to transport such a proposal to Canada. Basically, the idea of education as going outside of the traditional four-year or three-year undergraduate-kind of institution strikes me as very attractive, but I don't think the Wright Commission even began to think seriously of why there should be an open university separate from the present institutions, and why it should be created under a new kind of council . . .

There are no major communities anywhere in Ontario more than 80 miles from a university or a community college. There are facilities at community colleges or universities for offering the kind of services that an open university is supposed to offer. Why the Wright Commission was lured into finding new and independent machinery, more desirable than an exploration of how existing institutions could serve exactly the same functions, is totally unclear in the Report.

The other area of concern in the Wright Commission Report to me is the proposal that in the future, financing of universities, instruction and research, be separately funded. The arguments for that, it seems to me, don't exist in the Wright Commission Report, in any persuasive way.

My own feeling is, they can't be presented in a very persuasive way because of the exception of highly specialized major research, project research . . . The very nature of the university makes research and instruction so integrally related, that to finance them separately seems to me not only a piece of financial fiction, but a threat to what makes universities universities rather than junior colleges or high schools or technical schools. And, I regret not only the recommendation, but the complete absence of any persuasive arguments in the report that would lead to such a recommendation.

Bulletin: What are your views on the subject of tenure, and what do you foresee happening to this concept as a protection of academic freedom and job security?

Berland: I think in the period of acute budgetary restraint, tenure is going to be under a good deal of attack in its aspect of job security. I think that there is a good deal of feeling, frequently misunderstood, that suggests that tenure is simply job security; that it protects older people at the same time that the young are seeking employment, sometimes unsuccessfully; that it protects older people even when they are not doing their jobs very vigorously, while it may not protect more ambitious and enterprising, and intellectually alive younger people.

There is a similar argument against tenure — that it freezes the curriculum, and makes change in programming and curriculum harder to come by. I think those are the problems that are too obvious perhaps to need any further comment.

The earlier days of the CAUT saw us defending tenure most frequently from the raids or the impatience, or the dogmatism of administrators and boards of governors. Those, I think, still exist as problems, but recent years, I think, have expanded the "enemies" of tenure — those who frequently wish to see it removed . . . Students, governments, and also, faculty members themselves, who more and more have, not universally of course, been the source of the difficulties that our own Academic Freedom and Tenure Committee have to deal with. With the development of promotion and tenure committees at many universities, with the development of the tradition of collegiality, of faculty participation in decisions on renewal, of granting of tenure, on dismissal . . . I think that faculty tenure has been improved but at the same time, it has not removed the threats to tenure, which result from the fact that some people sit in judgement on other people.

We have discovered in recent years that faculty sometimes are as sensitive to community pressures, to ideological battles, to doctrinal battles, to political battles, to issues of, what are called incompatibility — personality conflicts — as administrators sometimes can be, or boards of governors sometimes can be. And it has made us keenly conscious of the fact — as though we needed reminding — that tenure has to be protected not from persons, but from functions, from offices. That it does not always matter who is filling those offices or functions, whether its administrators or faculty members.

The very criteria, as well as the procedures by which tenure are protected need as much protection now . . . as in the old days, when faculty did not participate in tenure and promotion committees.

The vexing problem, that I think professors will have to concern themselves with over and over again in the next few years, is a continuous review of tenure as a protection for academic freedom and not just as job security. I shouldn't wish to deny the aspect of job security that tenure represents . . . it does so in a way that is no more "cushy" than the kind of job security that people in unions enjoy, that civil-service people enjoy, that corporation people enjoy, that professionals in public service enjoy.

And I'm at a loss to see why professors are entitled to less job security than so large a part of the working force of the country. At the same time, the particular conception of tenure that is developed in North America is particularly related to the issue of academic freedom without which a university simply cannot function as a university.

And I think that fact and that ingredient needs continuous rethinking, renewal, and reaffirmation.

For four years I listened to, and often participated in debate about tenure as a protection for academic freedom. I remain convinced that for all of its defects, for all of its possible shortcomings, it is so far the best protection for academic freedom that we've been able to develop. I have no magic faith in tenure, except in that sense. It is better than anything else that has come along so far as a defence of academic freedom. If somebody dreams up a better defence of academic freedom, then I shouldn't worry for a minute about destroying the old conception of tenure.

Bulletin: What do you think of collective bargaining for university professors?

Berland: I have very mixed feelings about collective bargaining for university professors. By collective bargaining I take that what we mean now is formal collective bargaining through certified unions, and through formal collective bargaining agreements . . .

First of all, let me say that I don't think collective bargaining is a substitute for tenure, because I think the idea of tenure . . . is present in any good collective bargaining agreement. If it isn't, then it would be a very bad collective bargaining agreement indeed. That is, the idea of a probationary period, followed by appointment without term, dismissal from which must be accompanied by the safeguards of careful and proper procedures, would be central to any collective bargaining agreement, and after all, that's all tenure means — an appointment without term, dismissal from which must be for cause, and must be established through careful procedures.

So the real issue is, I think, not whether collective bargaining agreements can replace tenure, but only, whether collective bargaining agreements might protect tenure better than the sort of voluntary arrangements that we presently have.

. . . Looking across Canada, it seems to me that the majority of Canadian universities have devised faculty handbooks, regulations, which provide a pretty sound basis for the protection of academic freedom, and the majority of universities

have on the whole, respected those. There are other universities, where I think faculty are a good deal more vulnerable, and where collective bargaining may be more and more attractive, particularly where governments are playing a larger role in the affairs of the university. I think that's the only reason why collective bargaining at the university level has begun so much more vigorously in the province of Québec than elsewhere... Not the tyranny of the individual universities, but the stronger and stronger role government is playing in internal affairs of universities.

I have grown up in, have lived with, worked with, studied in, taught at that kind of university which, for lack of a better term, has been called the liberal university. It has its shortcomings, it has its defects, but it is the conception of a university that I find myself still clinging to; that I fear collective bargaining agreements will make harder and harder to sustain. Its a point on which I don't want to be misunderstood. I don't think collective bargaining agreements in themselves will destroy the liberal university, but I think the forces bearing on the university, which themselves lead to collective bargaining agreement, those are the forces which really are threatening the liberal university. That is, government control, government intervention; the re-arrangement of the university exclusively for manpower needs and manpower functions; the tendency to deal with faculty simply as hired help, or as very limited technicians. It is those forces which... are the threat to the liberal university, and it is those forces which are driving the faculty in a number of places, to collective bargaining agreements.

I see collective bargaining agreements — formal certification in collective bargaining — as a necessary, and perhaps inevitable response to the destruction of the liberal university.

Certainly, I would accept collective bargaining, and indeed I would insit on it, and would join the picket lines if that were the proper response to make at that point when the universities were threatened. Short of that, would I rush into collective bargaining agreements? No, I don't think so. I would do so only at that point where I felt that voluntary arrangements, formal negotiations with the university, joint agreements on terms and conditions of appointment and salary negotiations had simply broken down, and were no longer trustworthy and reliable.

Bulletin: Could you comment on the attempt by the government of Saskatchewan to bring in legislation which, according to some critics would have placed the control of higher education and of the university squarely in the hands of the government?

Berland: I was at Saskatchewan when in 1967, the former government tried to take over the university as a branch of government... control its budget in a line-by-line way, with its implications of direct government control, and with the good deal of fear on the part of the university community — fear I think justified — that the government wished to control not only the economics of the university, but its personnel, that is, who might be fired and who might be kept,... Having participated in a very rousing, and very threatening, and on the whole very successful battle of the university which led to the retreat of the former premier from his original stand on the universities, (it was dismaying) to see essentially the same kind of phenomenon happening yet again in Saskatchewan... under another government and another party in power.

I certainly felt strongly opposed to the recent proposals made by Blakeney and the NDP government for exactly the same reasons I had felt opposed to the proposals of Ross Thatcher and the Liberal party back in 1967. Again, I think the university has been very vocal, very eloquent, very effective in expressing its concerns for the long-range threat to the university... and the government has again backed off. How that's going to wind up, I don't know. What form of university government Saskatchewan will wind up with, I don't know... But its clear... that the government has thought better of the proposal a second time.

Bulletin: You are the new dean of Humanities at McMaster. What do you hope to do in your new position?

Berland: I see my task at McMaster as a very, very special one — given both the nature of the university itself, and the situation it finds itself in now. I think my task is to make the Humanities at McMaster as effective as possible.

It's a university which began, as so many universities across Canada did, with a stronger thrust in the sciences than in the humanities and in the social sciences, as a result of the post-Second World War boom in science... The humanities developed later at McMaster... Its footing is more frail, more insecure financially and in other ways. I think McMaster has moved in a very honourable way to great strength in the humanities and in the social sciences... The problem now is to keep them there.

... At McMaster, I want to see not only the present strength of the humanities and social sciences maintained, but I'm very anxious that there be more dialogue between departments and indeed even between the faculties of social science, humanities... More interdisciplinary work, more area studies, more independent study... more innovation in curriculum than... we've had time to accomplish in recent years.

CANADA

House of Commons Debates

May 9, 1973

GOVERNMENT INTENTION RESPECTING SUPPORT FOR UNIVERSITIES

Mr. R. Gordon L. Fairweather (Fundy Royal): Mr. Speaker, I wish to direct a question to the Secretary of State... Will the minister state for the university community that the federal government has no intention of withdrawing from its undoubted national and constitutional responsibility for funding post-secondary education, despite any frustrations felt from yesterday's meeting? (Federal-Provincial Conference of Finance and Education Ministers, May 8, 1973.)

Hon. James Hugh Faulkner (Secretary of State): Mr. Speaker, the proposal I put forward yesterday on behalf of the federal government, which was received with such widespread support from the provinces, does in fact reflect the commitment of the federal government to continue the support characteristic of the past for post-secondary education. If the particular formula I offered yesterday is not acceptable, we are quite willing to revert to the continuation of the present scheme which seems to meet with more favour from some provinces.

May 22, 1973

SUGGESTED REMOVAL OF THE TAX-FREE PERIOD AVAILABLE FOR FOREIGNERS TEACHING IN CANADA

Mr. Frank Howard (Skeena): ... In light of the fact that 40 per cent of the university and college professors in Canada are not Canadian citizens but are from other countries and in light of the fact that many teachers in Canada in other grades of education are unemployed, can the Prime Minister say whether any steps will be taken to end the two-year tax-free period that is available to teachers from foreign countries when they teach in Canada?

Hon. John N. Turner (Minister of Finance): ...The problem is that the so-called exemption for teachers is provided for under tax treaties and cannot be changed until the treaties are renegotiated. However, we are in the process of renegotiating these treaties at the moment. Our policies have been clearly stated publicly and to the other countries concerned that have bilateral tax treaties with us: we do not intend to include a special exemption for teachers in the future.

Employer-Employee Relations in the University

The matter of faculty rights and faculty status has become increasingly pressing in this decade and there is much confusion concerning what rights are in fact enjoyed by faculty in various universities, as well as concerning what rights faculty should have and how they can achieve these rights. The universities in this country are facing, and will continue to face, heavy weather in the forseeable future. On the one hand, some provincial governments are unsympthetic with the peculiar needs of the university and show open hostility to such institutions as tenure and sabbatical leave. On the other hand, internal to the university, some academics-as-administrators, so far from defending the university against external attack, mount their own attack, resulting in the loss of academic freedom. Some, though not all universities, find themselves exposed on both flanks. Certainly much of this can be traced finally to problems of the purse, but insofar as academic considerations cannot be divorced from questions of funding, faculty members have an immediate concern in the solution to such problems. Whether they will be party to such solutions, or whether such solutions will be forced on them, will depend in large measure on their status vis-a-viz the final governing body of the university.

* * *

I. There are at bottom four kinds of employee-employer relations in the university, though to be sure, there may be a number of variations on any one of these kinds:

(a) the no consultation model,
(b) the 'consultation' model,
(c) voluntary recognition by the employer of the Faculty Association as a collective bargaining agency under the Labour Relations Act,
(d) certification of the Faculty Association as a collective bargaining agency under the Labour Relations Act.

(a) *No Consultation*

This model probably does not exist in pure form today. In its impure form, there may be consultation in some matters, say tenure, but none on other matters, say salaries. In either form, this model is unsatisfactory.

(b) *The 'Consultation' Model*

There are many different instances of this model, some of which are only cases of the 'no consultation' model in its impure form. An instance of the 'consultation' model occurs when a Board of Governors recognizes a Faculty Association voluntarily as a Collective Bargaining agency, but not under the Labour Relations Act, and then negotiates informally on certain matters mutually agreed upon by the Board and the Faculty Association. From this process, there may issue, for example, tenure by-laws and sabbatical leave policies. Such by-laws and policies may be rescinded unilaterally by the Board of Governors, for they are not legally binding under most provincial legislation.

Another, more prevalent, instance of the 'consultation' model occurs when a Faculty Association presents briefs on various matters such as salaries, pension benefits and group life insurance to the appropriate body and then discusses its briefs with that authority in the hope that a policy acceptable to both parties will be reached. As in the previous instance and for the same reason, policies so arrived at can be rescinded unilaterally by the Board of Governors.

The 'consultation' model, even in instances of it in which an academic Senate is involved, works reasonably well, or even very well, in times of plenty and with a lot of good will manifested by the Faculty Association, the Board of Governors, and other participants. When little or no good will is manifested, and/or in lean times, the 'consultation' model does not work very well at all. This model is inherently unstable, and it is therefore unlikely to prove to be satisfactory, particularly since there is little reason to believe that the '70s will be times of plenty so far as the universities are concerned.

(c) *Voluntary Recognition by the Employer of the Faculty Association as a Collective Bargaining Agency under the Labour Relations Act*

The precise nature of voluntary recognition by an employer of an employees' organization will vary as a function of what the provincial labour law says on the matter. In some provinces, for example Manitoba, if an employer voluntarily recognizes an employees' organization, once a contract has been signed between the two parties, both parties have the rights and obligations that accrue with certification. An employer may wish to voluntarily recognize an employees' organization if it has no objection either to the organization bargaining on behalf of its members, or if it does not object to the definition of the bargaining unit. The crucial difference between voluntary recognition under the Labour Relations Act and certification under the Labour Relations Act pertains to the signing of the first contract. In the absence of certification, the employee has no means to ensure that the employer will sit down in good faith and negotiate the first contract: the employer may stall indefinitely. Whereas generally, with certification, provincial Labour Acts specify a deadline for the employer and the employee to sit down and negotiate in good faith.

To the extent that this system provides the academic with rights and status comparable to what certification provides, it can be a good means whereby the Faculty Association can achieve the goals set by its members. However, until there is ample precedent, both for faculty bargaining units, and for suitable definitions of their bargaining unit, it is unlikely that the respective Boards of Governors will agree to voluntarily recognize faculty bargaining organizations.

(d) *Certification of the Faculty Association as a Collective Bargaining Agency under the Labour Relations Act*

If a faculty organization receives certification from its provincial Labour Relations Board, then it has rights under law. Most importantly, it has the right to meet with its Board of Governors as an equal party; it has the right to negotiate a contract on behalf of its members.

If the academic staff applies to its provincial Labour Board for certification, it must supply two things:

(1) a definition of the bargaining unit
(2) a specification of the proportion of people in the proposed bargaining unit who are in the Faculty Association.

The employer of the faculty — the Board of Governors — may decide to challenge the application, and typically the challenge could take two forms:

(1) the Board may object that the organization is not appropriate for collective bargaining, in that it violates some section of the provincial Labour Act.
(2) it may challenge the definition of the proposed bargaining unit. For example, it may argue that student graders should be properly included in the unit, or it may argue that those academics occupying administrative positions should be excluded.

In the event of a challenge, the case is heard before the Labour Board of the province whose members will decide these questions. In some provinces, the decision of the Labour Board may be

appealed (e.g., Quebec); in other provinces, the decision of the Labour Board is final (e.g., Manitoba).

II. *Definition of the Bargaining Unit.* Clearly there is no need to define a bargaining unit in the event that (a) or (b) above prevail, but such a definition is needed in the cases of models (c) and (d). The question of the nature and scope of the bargaining unit is crucial, but before moving directly to consider various alternatives here, it must be observed that the whole matter of collective bargaining cannot be divorced from the question of the nature of the desired university community. Any change in the traditional pattern of determining such things as salaries, teaching loads and so forth will inevitably bring about change in the university structure as a whole. The problem then, is how to bring about the desired results of collective bargaining on the one hand without creating conditions such that, on the other hand, there are corresponding losses of traditional rights, which might serve to negate the initial gains. For example, higher salaries could conceivably be considered a gain, but if the structural changes resulting from the collective bargaining process were to result in a loss of academic freedom, it is questionable whether there would have been any net gain. The ideal nature of the university community has been, and continues to be, the subject of the guidelines, present and future, of the CAUT. Were the product of the process of collective bargaining to be the rejection of the content and spirit of these guides, it is clear that collective bargaining would not be worth its cost.

There are two fundamentally different conceptions of a university which are of crucial concern:

(a) The first sees the university as yet another corporation no different in kind from the industrial corporation. There are the directors of the corporation (the Board of Governors), there is a managerial class (the Administrtion) and there are the workers (the academics).

(b) The second sees the university as a unique institution with its own history and traditions such that, although the Board has plenary powers and exercises varying degrees of control over internal university matters, the university is none theless mainly and of necessity a self-regulating co-operative enterprise with regard to its internal operation. According to this view, the Board is still the employer, but the so-called 'adminstration' consists of academics serving terms of fixed periods in a purely functional capacity. They do not constitute a managerial class because they are responsible to their fellow academics through senate and other such bodies; they do not, qua administrators, create policy, they implement policy determined by senate.

With the rapid growth of universities and the concomitant expansion of the ranks of administration personnel in the past few years, universities are in an ambiguous position at the present time; they seem to be a confused and unhappy mixture of both of these views. This situation is unlikely to continue, given factors as various as the concern expressed by many provincial governments at the cost of university education and the desire of a growing number of academics to participate in the governance of universities.

If the industrial corporation view of the university is accepted, then the bargaining unit may be defined so as to include all full time* academics except those performing so-called management functions. Those classed as managers may include the president, the vice-presidents, the deans, and it may or may not include departmental chairmen (or heads).

If the second and more traditional view of the university is accepted, then, it may be argued, one needs only to be a full time academic employee in order to be a member of the collective bargaining unit. This criterion of membership works so as to include the president and vice-presidents, and deans, directors, and department chairmen (or heads). This criterion is determined by the idea that the university is a community of scholars, in whose self-regulative, co-operative enterprise there is no place for a few academic administrators who create rather than implement policy.

It is possible to associate with the idea that the university is a community of scholars, a less liberal criterion of membership, one which, say, excludes the president and vice-presidents, or the deans. By so doing, one can perhaps minimize the dangers of being co-opted from within and of conflicts of interests. It is to be remarked, however, that these exclusions will have the effect of moving the university towards the corporate model, and this is a serious departure from the principle of thoroughgoing academic co-operation.

There is another parameter to be considered with respect to the problem of defining the bargaining unit. Is it better to have one campus-wide unit, or to have a number of bargaining units drawn along faculty or school lines?

(a) *Faculty/School Units*

Because such units would be relatively small, it is easy to assemble members, and communication between the officers of the organization and the members is perhaps a simpler and more direct affair. In faculties where salaries tend to be higher than those of academics in other parts of the university, the faculty unit may be the best way of maintaining the salary differential. More generally, it may be easier to tailor specific needs of a faculty if it has its own bargaining unit.

The strengths of this system are, however, also its weaknesses. Because of its small size, the unit may well not have the power to achieve its goals when negotiating. If there are relatively few members in the unit, membership fees may have to be very high, in order to cover the expenses of negotiation, and the expenses of running an office. The faculty unit system presupposes major differences in interest between different faculties, but in fact this is most unlikely to be so. On the key questions of pensions, salaries, tenure, teaching loads, such differences as there are between members will almost certainly cut across faculty lines.

A further difficulty that we might mention here is that if the Board were to negotiate with ten or more faculty units, it would be in constant negotiation, and would thereby incur vast expense, which would reduce the supply of funds available for other items in the university budget.

(b) *Campus Wide Unit*

This has the advantages and the disadvantages of size. Presumably there would be a less direct and personal connection between the officers of the organization and the members at large. But this unit does have the strength of numbers to back its claims, and it can pool its resources of time and money in such a way so as to be much more helpful to the members than the small faculty unit can. Such units can deal with such questions as sabbaticals, salaries, etc. quite easily, but the danger is that they may be insensitive to the local problems in certain faculties. With good representation on the executive of the Faculty Association, this may not be a problem. Salary differential reflecting market conditions can be accommodated in campus wide agreements.

III. *Constitutional Changes.* Faculty Associations may need to introduce certain changes in their constitutions in order to live better with the new situation. There are two in particular that should be mentioned here. If the bargaining unit includes academics-as-administrators, the constitution should be modified to the effect that for the duration of their term in office, no *academic-as-adminstrator* may be an officer of the bargaining unit. This may or may not include departmental chairmen. The point of this is to ensure that there is no usurpation from the 'inside'. Once the situation is stable, this possibility will likely be greatly diminished.

The constitution should also provide, if it does not already, for a mechanism whereby the individual in the faculty association may seek redress from wrong done by the association. Grievance procedures could provide for the selection of a tribunal to hear the case; e.g., one member selected by the individual, one member selected by the association, and a third party agreeable to both.

IV. *The Collective Bargaining Unit and the University System.* The faculty bargaining association should claim the right to negotiate on all matters affecting its members. This would include, in theory, salaries, sabbatical leaves, teaching loads, pensions, other staff benefits, and more generally, conditions of work, which

Continued on p. 8

* In most instances it is likely that some difficulty will be encountered in organizing part-time academics, especially if the university is large. So for tactical reasons, it is perhaps better to consider only full-time academics at the outset, and to raise the question of part-time academics later.

"Revolutionary" Law Course Shelved

By Israel CINMAN

A new and experimental program to study law, slated to begin this September at l'Université du Québec à Montréal, was shelved for at least one year — just three months before the start of this academic year.

RELATIONS *from p. 7*

may include such things as size of classes, size and quality of libraries, funds available for research, etc.*

In practice, the unit should make a distinction between the personal needs and the institutional needs of its members. In the former category fall the obvious things: salaries, pensions and so forth. In the latter category fall such things as size and quality of the library.

Ideally, the first group could be dealt with by the collective bargaining association, and the latter by senate, and other such bodies. In the case of bicameral systems, this would relieve senators of a possible conflict of interest which would be inherent in their position if they were to be negotiating on faculty salaries during the preparation of the budget. In some instances it would be necessary to set up joint faculty association-senate committees to work on such matters as the criteria for the dispensation of merit pay.

Once the distinction has been made between personal needs and institutional needs, then so long as the academic senate works well, there would be no need for the faculty associations to consider the second group of items. Should for one reason or another, the senate be unable or unwilling to deal properly with items in the second group, the faculty association may find it necessary to exercise its rights to bring them forward at the bargaining table. Consider an extreme hypothetical case: suppose the academic senate were to keep library expenditures at an unacceptable level, and the supply of new books and periodicals dried up, so that individuals were forced to buy their own. What was an institutional need now becomes a personal need and would become an appropriate item for negotiation.

John A. BAILEY
Patricia SMITH CHURCHLAND
Kenneth J. HUGHES
University of Manitoba
Faculty Association

* For obvious reasons it would be ridiculous for the faculty associations to negotiate on hours of work. There are many faculty unions in the USA and not one that we know of has entered on negotiations concerning hours of work.

The decision to delay the course in "sciences juridiques" was taken by the UQAM's board of directors, supported by the Ministry of Education and the Québec Bar Association.

According to reports in *Québec Presse* and *Le Soleil*, the back-room pressures on Dr. François Cloutier, Québec Minister of Education, to halt progress of the course came from the Québec Bar.

The reports say that the Bar, faced with a delicate task of refusing recognition to a program which would have undoubtedly questioned the Bar's raison d'être while at the same time avoid appearing reactionary and indifferent to social change, placed subtle pressures on the minister to deny final government approval for the revolutionary program.

The experimental program, organized by le Comité des Sciences Juridiques, a group of law professors at the Université du Québec à Montréal, aimed to "Former des avocats qui soient au service de toute la population et non seulement au service de la classe dirigeante."

According to Professor Robert Brunet, a member of the Comité, "L'enseignement du droit a toujours valorisé une conception abstraite de l'enseignement du droit. Le futur avocat est cloisonné dans sa discipline. Il se prépare à devenir un technicien au service de la classe dirigeante et de certains secteurs privilégiés: les affaires, l'industrie, la politique. Si tu regardes finalement ce que font les avocats tu t'aperçois qu'ils travaillent pour 10% de la population."

It is to change this orientation in the study and practice of law that Brunet and others have organized the experimental course.

The program, as described in a four-page letter sent out to some 900 appplicants, stressed the study of "les problèmes de droit — de loyer, de salaire minimum, de bien-être social, d'assurance chômage, de droit du travail, etc."

The letter also warned that only certain students will be accepted, and those who wish to enter the course looking for material security and intellectual comfort should reconsider their applications. "Le choix que les étudiants font de s'incrire en module des sciences juridiques se doit être conscient des exigences, conditions et contraintes qui existent nécessairement dans un tel module."

"La première de ces contraintes, c'est précisément de maintenir ce choix en dépit de l'idéologie universitaire dominante," it said.

The new program, a three-year course made up of six semesters, was approved by the Council of Presidents and Rectors last March and was awaiting recognition from the Québec Bar Association.

However, the course description and orientation forced Mr. Cloutier to attack the content as being "revolutionary" and "Marxist in tone". Dr. Cloutier was "shocked" by the program and suggested that the deputy minister for education clearly indicate to the rector of UQAM that ministerial consent and authorization for the program would be deferred if the orientation of the course did not fall into line with the general objectives of the study of law.

For its part, the board of directors at UQAM, also decided to launch an investigation into the content of the course, resulting in the censure of four professors involved in the creation of the program "pour ne pas avoir suivi la lettre et l'esprit des règlements de l'Université dans la procédure de mise en place du programme de sciences juridiques."

It also voted to formally disassociate itself from the four-page course description, because "ce dossier n'ayant pas été autorisé par les instances de l'UQAM, et ne reflètent pas la politique de l'UQAM." And it assigned the vice-rector to examine admission procedures to the course.

The Faculty Association at UQAM, le Syndicat des Professeurs de l'Université du Québec (SPUQ) responded to the censure of its members with a tough-worded declaration pointing out that the quality of work undertaken by the Comité des Sciences Juridiques was never doubted by the administration. Furthermore, it underlined that the program was nearing final stages of development, requiring only recognition by the Québec Bar to begin operation this September.

The statement went on to say that given the original approval the program has received from the Council of Presidents and Rectors, (it was also endorsed by Quebec's three leading unions and major teacher's groups, the Association pour la defense des droits sociaux, Le Centre de recherche en politique sociale and other groups), it is clear that the board's decision to censure the four professors was a pretext to protect the Administration from criticism of a program advocating response to the needs of the working class. According to the document, the censure motion constitutes "une atteinte flagrante aux droits des professeurs syndiqués . . . liberté académique et politique et à la non-discrimination que leur reconnait la convention en vigueur à l'UQAM."

The final step, which effectively postponed the course, was taken by the board of directors, who, acting on a recommendation from the rector, issued a statement saying that student selection procedures employed by the professors involved were contrary to the spirit of academic freedom; and the course was shoved further into oblivion when on June 8, the Québec Bar Association refused to recognize the content of the course as being valid.

However, the communiqué issued by the Bar said that there is no opposition to the creation of a Law faculty at UQAM, and to that end, it has charged its executive committee to continue discussions with UQAM for an eventual creation of a Faculty of Law.

CUFABC and the Upcoming Revisions to the B.C. Universities Act

By Charles DOYLE and John GREENE

Late in 1972 the Hon. Eileen Dailly, B.C. Minister of Education, announced a decision to form a Commission of Education, asked for nominations to the Commission, and apparently intended to name a list of five Commission members before Christmas 1972. Representatives of CUFABC (then the Co-ordinating Committee of B.C. Faculty Associations) met with the Minister in early December 1972 for a very general discussion, which centered on the *Universities Act*. As a consequence of that meeting we put forward three nominations for the proposed Commission. We also came away with the understanding that the *Universities Act* would come under legislative consideration in two stages. The second stage, complete overhaul of the *Act*, might well take up to two years to finalize. Since this seemed a long time to live with some of the deficiencies of the present *Act* (especially in view of widely-publicized personnel difficiulties at two B.C. universities in the immediate past) we were pleased to learn that interim changes to the *Act* were also contemplated, these to go before the legislative session of the B.C. Parliament in the fall 1973 session.

After our December meeting with the Minister our chief purpose was to prepare and present a cogent brief, addressed to interim changes in the *Act*, by the given deadline date of Easter 1973. Before that date, in February 1973, Dr. John Bremer was appointed Commissioner of Education by the B.C. Government. Gradually it became apparent that Dr. Bremer was to be sole Commissioner, with very general terms of reference, amounting to his being charged to advise the Minister broadly on matters concerning education in B.C. Instead of having a group of fellow Commissioners, Dr. Bremer formed two advisory committees.

Immediately after submission of our April 1973 brief to the Minister, CUFABC learnt that the *Universities Act* is to be totally reviewed within approximately a twelve-month period. The plan for a two-stage revision has apparently been dropped. On the present timetable the closing date for further submissions to the Commissioner, in respect of the *Act*, is October 31, 1973, and the Commissioner's reporting date to the Minister is January 1, 1974. Thus a degree of unforeseen pressure is on CUFABC and local Faculty Associations particularly to make representations on matters not covered in our interim brief.

Important elements in the interim brief are recommendations that:

(a) the composition of Boards of Governors should be extended to include significant numers of Senate members, including faculty and students;

(b) a majority of members of a university Senate should be faculty members of that university;

(c) the Senate, in consultation with the Board, should assist in preparation of the annual budget;

(d) procedures for the selection of senior academic administrators should be the product of consultations between Board and Senate;

(e) as a direct result of recent B.C. experience, the powers of the Senate should also be reviewed "to make clear that initiative lies with Senate in all matters of academic policy";

(f) since the present *Act* is open to the interpretation that contractual disputes are not subject to the possibility of arbitration (because the Board and the President, it has been contended, may not delegate powers of suspension and dismissal) a clause should be inserted which will explicitly allow for arbitration of grievances;

(g) at each university the Faculty Association should be recognized as representative of faculty interests.

This recommendation is based on the experience that since there is no legal recognition of the existence of Faculty Associations this "encourages Boards of Governors to ignore (Faculty Associations) recommendations when Boards find a monetary advantage in doing so". Such circumstances usually arise at times of dispute, so that when the Board should be most closely conscious of faculty feeling it tends to isolate itself from the expression of that feeling.

Recognition of Faculty Associations within the *Act* may also be considered as one alternative to each Association's applying for certification as a union in order to obtain forceful bargaining status.

On July 14, 1973, at U.B.C., CUFABC and the Commissioner of Education co-sponsored a conference on university government. We then learned that, despite the desperately brief time left for revision of the *Act*, faculty views will be heard and faculty "input" (the Commissioner's term) is welcome. At this conference (seen by the Commissioner as first of a possible series) as far as the seventy to eighty faculty participants could gather, the Commissioner seemed to express the view that the whole B.C. university system needs overhauling, and at this and other meetings his ideas appear to centre on a handful of key possibilities. For example, one subject which seemed to be very much on his mind is the possibility of establishing a University Grants Commission or equivalent (this was his own "input", the precise reaction of those present at the conference was hard to determine). Such a possibility alone will call for important reconsideration of, or addition to, our interim brief. Meantime the Commissioner has asked us to co-operate with him in forming a committee to consider "the possibility" of establishing an "intermediary body" between government and university in B.C. From our point of view, of course, it is equally important to consider the *advisability* (as well as the possibility) of establishing such an "intermediary body". At the joint conference CUFABC members got no clear impression as to what model of Grants Commission, say, the Commissioner believes might be workable in B.C. conditions. Such details should emerge in committee discussions, but it should be realised that this committee (to study the "intermediary body" feasibility) is, like others, advisory.

CUFABC's interim brief on the *Universities Act* deliberately confined to recommending a small number of crucial changes. Many broader problems will need to be considered in a full-scale look at the higher education system in B.C. Apart from the "intermediary body" question, the Commissioner seems also to be interested in the area of extension education, including the "open university" concept. To this and a number of other areas any further CUFABC brief in the *Universities Act* would seem to need to address itself. There are issues such as the correlation of universities and colleges, and the articulation of a system which would give these and other areas (such as an "open university", if one is needed, and workable) a clearly defined purpose in the total scheme.

Since the *Universities Act* will determine for years to come exactly what part the universities should play in such a system, it seems essential that sufficient time be provided for all parties to approach with the greatest care the complex problems involved. CUFABC has already suggested to the Commissioner that, at an early date, *all* interested parties be invited to open discussions on the *Universities Act* and university government in B.C. With time, openness and mutual co-operation, it should be possible to come up with a much improved *Act*.

Charles Doyle is President of CUFABC; John Greene is the Secretary.

Vacancies

Postes vacants

ADMINISTRATION

UNIVERSITY OF MANITOBA. **Dean — Faculty of Education.** The University of Manitoba invites applications and nominations for the position of Dean of the Faculty of Education. Position open by January 1, 1974. Faculty consists of five departments: Educational Administration, Educational Foundations, Educational Psychology, Curriculum: Humanities & Social Sciences and Curriculum: Mathematics & Natural Sciences. Faculty offers programs leading to teacher certification, the undergraduate degrees of B.Ed. (Secondary) and B.Ed. (Elementary), M.Ed. in 5 Departments and Ph.D. in Educational Administration. Faculty currently has an academic staff of 80 and student enrolment as follows: 800 in the one-year certification programs, 350 in the undergraduate B.Ed. program, 300 in first year of two-year program, 2,000 in B.Ed. — M.Ed. programs (full and part-time). Deadline for applications — November 1, 1973. Candidates for position should forward *curriculum vitae* and names of three references to: Dr. J. C. Gilson, Vice-President (Research and Graduate Studies), The University of Manitoba, Room 202 Administration Building, Winnipeg, Manitoba R3T 2N2.

ANIMAL SCIENCE

UNIVERSITY OF GUELPH — ONTARIO AGRICULTURAL COLLEGE. **Department of Animal and Poultry Science.** The Department requires an Assistant Professor under contractual terms with Ph.D. qualifications to conduct research and teach in the general area of Meat Science. Candidates should submit their *curriculum vitae* before October 15th, 1973, to: Dr. W. D. Morrison, Chairman, Department of Animal and Poultry Science, Ontario Agricultural College, University of Guelph, Guelph, Ontario, Canada, N1G 2W1.

UNIVERSITY OF GUELPH — ONTARIO AGRICULTURAL COLLEGE. **Department of Animal & Poultry Science.** A physiologist-endocrinologist whose primary species responsibility is poultry but who has a broad interest in animal agriculture including swine and ruminants is required. Emphasis is to centre on female reproduction and behaviour. Responsibilities of this position include research, teaching and extension. Appointment at the rank of Assistant or Associate Professor. Applicants should write to — W. D. Morrison, Professor and Chairman, Department of Animal & Poultry Science, Ontario Agricultural College, University of Guelph, Guelph, Ontario, Canada N1G 2W1.

BIOCHEMISTRY

McMASTER UNIVERSITY. **Department of Biochemistry.** Applications are invited for the position of Assistant Professor. Candidates should have a minimum of two years' postdoctoral experience. Primary research interests should be in physical biochemistry, molecular biology or enzymology. The department has teaching responsibilities in Science and Medicine, and at the graduate level. The present salary floor is $12,000. Date of appointment: July 1, 1974. Applications with the names of three referees should be sent to: Dr. K. B. Freeman, Chairman, Department of Biochemistry, McMaster University, Hamilton, Ontario L8S 4J9.

McMASTER UNIVERSITY. **Department of Biochemistry.** Postdoctoral fellowship or Research Associateship. tRNA Structure and Function. Protein Synthesis in Animal Virus System. Ph.D. experience in protein synthesis and tissue culture. Salary $8,500 to $10,000. Available immediately. Apply with *vitae* and references to Dr. H. P. Ghosh, Department of Biochemistry, McMaster University, Hamilton, Ontario L8S 4J9.

BIOMEDICAL SCIENCES

UNIVERSITY OF GUELPH. **Department of Biomedical Sciences.** Position: Assistant or Associate Professorship, depending upon qualifications and experience. Salary: Minimum Assistant Professor $11,900; Minimum Associate Professor $15,250; to be negotiated depending upon experience. Position responsibilities: To participate in and aid in organization of undergraduate courses in Biomedical Embryology and Histology at both the laboratory and lecture demonstration level. To assist in graduate teaching and to carry out research in aspects of embryology, histology and cell biology as it applies to studies of domestic animals in health and disease. To participate in the development of a new curriculum in veterinary medical sciences. A Ph.D. and a basic degree in Veterinary Medicine are desired. Apply to: H. G. Downie, D.V.M., Ph.D., Chairman, Department of Biomedical Sciences, University of Guelph, Guelph, Ontario, Canada, N1G 2W1.

CHEMISTRY

MEMORIAL UNIVERSITY OF NEWFOUNDLAND. **Department of Chemistry.** Postdoctoral position starting Dec. 1, 1973. Syntheses and reactions of pyrrole derivatives. Minimum salary $7320. Write and forward *curriculum vitae* to Dr. Hugh J. Anderson, Department of Chemistry, Memorial University, St. John's, Newfoundland, Canada.

CHIMIE

UNVERSITE LAVAL. **Associe de Recherche en Sciences Macromoléculaires.** Le Groupe de Recherche en Sciences Macromoléculaires de l'Université Laval est à la recherche d'un associé de recherche pour travailler dans le domaine de la synthèse ou de la modification de macromolécules. Les candidats (Ph d ou D Sc) devront posséder une certaine expérience dans le domaine des sciences macromoléculaires, maîtriser la langue française et avoir le statut de citoyen canadien ou d'immigrant reçu. Les candidats sont priés de faire parvenir leur *curriculum vitae* à: Dr J. Léonard, Département de Chimie, Université Laval, Québec 10, G1K 7P4.

CLINICAL STUDIES

UNIVERSITY OF GUELPH — ONTARIO VETERINARY COLLEGE. **Department of Clinical Studies.** The Department requires a clinician experienced in Large Animal Medicine and Surgery. The main duty of the applicant will be to teach in the Ambulatory Clinic. The applicant must be licensed or eligible for licensing to practice Veterinary Medicine in Ontario. Salary will be commensurate with training and experience. The closing date for applications is December 1, 1973. Enquiries regarding the position can be made to: Dr. J. Archibald, Chairman, Department of Clinical Studies, Ontario Veterinary College, University of Guelph, Guelph, Ontario, Canada N1G 2W1.

UNIVERSITY OF GUELPH — ONTARIO VETERINARY COLLEGE. A junior position of **Resident** within the Veterinary Teaching Hospital is available in the Department of Clinical Studies. The Resident would take up duties in the area of Large Animal Surgery. His primary functions would be to oversee the Interns and to participate in teaching Large Animal Surgery at the undergraduate and graduate level. A position will be available from September 1, 1973 to terminate no later than August 31, 1975. Applicants should have an advanced degree of diploma in surgery and teaching experience would be valuable. The applicant must be licenced to practice Veterinary Medicine in the Province of Ontario. Enquiries regarding the position can be made to: Dr. J. Archibald, Chairman, Department of Clinical Studies, Ontario Veterinary College, University of Guelph, Guelph, Ontario, Canada.

COMPUTER SCIENCE

SIR GEORGE WILLIAMS UNIVERSITY. **Department of Computer Science.** Applications are invited for faculty positions at the level of Assistant or Associate Professor. Duties include teaching and research. One position requires a knowledge of business applications; the other positions will require different specialization. Applicants must have the doctorate or equivalent experience. Rank and salary are dependent on experience in teaching and research. The Department was formed in 1972 and offers courses leading to the Bachelor's degree in Computer Science. Applications, with *curriculum vitae*, should be addressed to Professor H. S. Heaps, Chairman, Department of Computer Science, Sir George Williams University, Montreal 107, Qué.

UNIVERSITY OF OTTAWA. **Department of Computer Science.** Applications are invited for a full-time appointment in the Department of Computer Science at the University of Ottawa. Applicants should have a demonstrated research background in computer science and a minimum of three years of teaching experience. Rank and salary are open and will be commensurate with qualifications. Preferred areas of expertise are, artificial intelligence, computer networks and data communications, data management, system software. Applications including pertinent background information and the names of three references should be forwarded to: Dr. L. G. Birta, Chairman, Department of Computer Science, University of Ottawa, Ontario K1N 6N5.

CONSUMER STUDIES

UNIVERSITY OF GUELPH. **Department of Consumer Studies.** Lecturer. Master's degree with an interest in textile products. The ability to function as a member of an interdisciplinary team is an important qualification. Teaching responsibilities will be to teach introductory textile and intermediate level courses at the undergraduate level. Salary negotiable. Direct replies to: Dr. R. E. Vosburgh, Chairman, Department of Consumer Studies, University of Guelph, Guelph, Ontario N1G 2W1. Available September 1973. Open until filled.

ECONOMICS

MEMORIAL UNIVERSITY OF NEWFOUNDLAND. **Department of Economics.** The University is expecting to make an appointment in Economics commencing January 1974, subject to funds being available. Candidates should either have a Ph.D. or have completed all requirements except thesis. Although the particular area of specialization is open, candidates should have a strong background in Economic Theory. An interest in Mathematical Economics, International Trade, Public Finance or Labour Economics would be desirable. Enquiries should be addressed to: The Head, Department of Economics, Memorial University of Newfoundland, St. John's, Newfoundland.

GEOGRAPHY

UNIVERSITY OF GUELPH. **Department of Geography.** Opening for Department Chairman with Ph.D. or equivalent research and teaching experience. Preference will be given to people with experience in one or more of the areas of 1) land use and rural planning, 2) human ecology, 3) man's use of his physical environment, 4) resources management. Salary will be open to negotiation effective July 1, 1974. All inquiries should be directed to Dr. J. W. Skinner, Dean and Chairman of Search Committee, College of Social Science, University of Guelph, Guelph, Ontario N1G 2W1.

HORTICULTURAL SCIENCE

UNIVERSITY OF GUELPH. **Department of Horticultural Science.** Opening for Assistant Professor, January 1, 1974. Ph.D. with strong background in ornamental horticulture. Principal responsibilities in teaching and home grounds extension with opportunity to develop a research program with ornamentals. Salary minimum: $12,350. Submit resume and three references to: Dr. D. P. Ormrod, Chairman, Department of Horticultural Science, University of Guelph, Guelph, Ontario.

UNIVERSITY OF GUELPH. **Department of Horticultural Science, Environmental Horticulture.** Applications are invited for a Floricultural Physiologist with Ph.D. and strong background in floriculture or ornamental horticulture. Assistant or associate professor. Responsibilities divided between teaching and research. Teach three courses at the associate diploma (2-year) and B.Sc. levels, including plant propagation, herbaceous plants, and a general introductory course in horticulture to non-major students. Research in the physiology growth and development, of greenhouse flower crops. Salary minima: $12,350, assistant professor; $15,800, associate professor. Submit resume and three references to: Dr. D. P. Ormrod, Chairman, Department of Horticultural Science, University of Guelph, Guelph, Ontario.

UNVERSITY OF GUELPH — ONTARIO AGRICULTURAL COLLEGE. **Department of Horticultural Science.** Applications are invited for the position, vacant on July 1, 1974, of Professor and Chairman. Preference will be given to an applicant holding a Ph.D. degree. The appointee will be a qualified Horticultural Scientist who, at the present time, is recognized for qualities of leadership and productivity in educational and research programs. He should be active in university, government or industrial programs related to Horticultural Science. He will be responsible for the organization and administration of the instruc-

tion, research and extension programs of the department. The department offers majors in Horticultural Science and in Environmental Horticulture to undergraduate students. Graduate programs are established at the Master's and Ph.D. levels. There are twenty faculty positions in the department at the present time. The salary will be commensurate with qualifications and experience and competitive with similar positions elsewhere. Applications should be made to Dean C. M. Switzer, Chairman of the Selection Committee, with *curriculum vitae*, which should include a review of professional experience, list of published papers, and the names of three referees attached. Closing date for applications is December 1, 1973.

KINESIOLOGY

UNIVERSITY OF WATERLOO. **Chairman and Senior Scholar — Department of Kinesiology.** Doctorate or equivalent; successful academic experience; and sensitivity to concept of kinesiology as scientific study of human physical activity from a multidisciplinary perspective. Administrative experience desirable. Duties: Administer innovative academic department of 500 students and 25 faculty; to provide leadership for undergraduate program, and extension of graduate program through Ph.D.; and to make scholarly contributions to related field. Salary minimum $20,800 plus administrative stipend. Effective July 1, 1974. Applications with *vitae* containing record of research in scientific aspects of human physical activity in either bio, bio-physical or behavioural sciences to be submitted by (two weeks after publication date) to Gerald S. Kenyon, Dean, Faculty of Human Kinetics and Leisure Studies, University of Waterloo, Waterloo, Ontario, Canada.

MECHANICAL ENGINEERING

UNIVERSITY OF WATERLOO. **Department of Mechanical Engineering.** Applications are invited for the following positions: **Assistant Professor,** two-year term, non-renewable. Doctorate in M.E., A.E., or Ch.E. in heat transfer, fluid mechanics or combustion with some industrial experience. Will teach basic undergraduate courses in applied thermodynamics, heat transfer and fluid mechanics and take part in developing research on industrial problems in thermal engineering. Salary: $12,300-$15,000. **Assistant, Associate** or **Full Professor** with Masters/Doctorate or equivalent with several years' industrial experience in areas such as metal cutting, metal forming, welding and casting. Will teach undergraduate and graduate courses in the Production/Industrial option and undertake research and graduate supervision. Salary minima: Assistant — $12,300, Associate — $15,900, Full Professor — $20,800. Appointment on or about January 1, 1974, both openings. Reply to: Professor D. J. Burns, Chairman, Department of Mechanical Engineering, University of Waterloo, Waterloo, Ontario, Canada.

PSYCHOLOGY

UNIVERSITY OF SASKATCHEWAN. **Department of Psychology.** Applications are invited for Department Head of the Psychology Department. Associate or Full Professor. Some Administrative experience preferred. Research experience important. All areas of specialization will be considered. Duties include heading a department of 20 Ph.D. faculty with established M.A. and Ph.D. programs in general experimental and professional psychology. Research facilities available. Salary is negotiable. January or July 1974. Contact. Dr. D. A. Scott, Chairman, Recruitment Committee, Department of Psychology, University of Saskatchewan, Saskatoon, Sask. S76 0W0.

SOCIOLOGIE

UNIVERSITE D'OTTAWA. **Sociologie.** L'Université d'Ottawa est à la recherche d'un directeur pour son département de sociologie. Le candidat choisi devra posséder toutes les qualifications requises pour assumer le rang de professeur titulaire. Conditions requises: Doctorat complété et expérience dans l'enseignement universitaire et la recherche. Le candidat choisi doit également être bilingue (français et anglais). Le salaire est à négocier selon l'expérience et l'ancienneté. Poste disponible à compter du 1er juillet 1974. Prière d'envoyer *curriculum vitae* au Doyen, Faculté des Sciences sociales, Université d'Ottawa, 550, rue Cumberland, Ottawa K1N 6N5.

SOCIOLOGY

UNIVERSITY OF WATERLOO. **Department of Sociology.** Position: Assistant or Associate Professor in Sociology Department; one or two positions. Also a Visiting Full Professor. Qualifications: Ph.D.; publications; active programme of research. No limitations as to field of specialization. Canadian research interest or experience desirable for the Assistant or Associate positions. Nature of Duties: Teach undergraduate and graduate courses; work with graduate students. Salary and Rank: Commensurate with experience. 1973-74 salary floors are: Assistant Professor $12,300; Associate Professor $15,900; Full Professor $20,800. Date of Appointment: July 1, 1974. Write: Chairman, Department of Sociology and Anthropology, University of Waterloo, Waterloo, Ontario N2L 3G1.

ZOOLOGY

UNIVERSITY OF GUELPH — COLLEGE OF BIOLOGICAL SCIENCE. **Department of Zoology.** Professor and Chairman of active Department of Zoology wanted by February 1, 1974, or earliest. Candidate should have Ph.D. or equivalent, and will be expected to teach and administrate approximately 30 faculty. Candidate will also be expected to carry out research in his own field. Salary level will depend on experience and qualifications. Applications with *curriculum vitae* and the names of three references should be forwarded by December 15, 1973 to: Professor K. Ronald, Dean, College of Biological Science, University of Guelph, Guelph, Ontario, Canada N1G 2W1

For last-minute ads, see p. 13

Pour des annonces de dernière minute, voir p. 13

RECREATION

UNIVERSITY OF WATERLOO. **Department of Recreation.** Position: Lecturer or Assistant Professor. Requirements: Earned Doctorate in Recreation or related area preferred, university teaching and/or professional experience desired. Duties: Teaching and research in one or more of the following areas; 1. Outdoor Recreation and Education, 2. Therapeutic Recreation, 3. Recreation and Park Administration. Closing Date: November 15, 1973. Send *curriculum vitae* to: Dr. G. C. Godbey, Acting Chairman, Department of Recreation, University of Waterloo, Waterloo, Ontario.

POLITICS

BROCK UNIVERSITY. **Department of Politics.** Applications are invited for an appointment at the Full or Associate Professor level, to teach graduates and undergraduates, in one or more of the following fields: international law and organization; public policy studies; public law. Appointment effective July 1, 1974. Applications with *vitae*, should be sent by January 31, 1974, to the Chairman of the Recruitment Committee, Department of Politics, Brock University, St. Catharines, Ontario.

LAW

QUEEN'S UNIVERSITY. **Faculty of Law.** Applications are invited for faculty positions at all three professional levels. Applicants should have graduate law training, law teaching experience or experience in the practice of law. The appointment will be effective from the summer of 1974 with salary negotiated according to qualifications. Applications with *curriculum vitae* and names of three referees should be sent to the Dean, Faculty of Law, Queen's University, Kingston, Ontario K7L 3Y6.

McGILL UNIVERSITY. **Dean of the Faculty of Law.** Applications are invited from persons with appropriate academic and professional qualifications. The Dean will be in charge of a bilingual faculty of Law. Effective date of appointment: June 1, 1974. Closing date for receipt of applications: October 1, 1973. Enquiries should be addressed to: Dr. R. E. Bell, Principal and Vice-Chancellor, McGill University, P.O. Box 6070, Montreal 101, Que.

The Department of Geography of The University of Western Ontario invites applications for appointments to the faculty of the department (Assistant Professor through Professor). Ph.D. required, and strong research record and teaching experience highly desirable. Emphasis on theory, analytical techniques and applications. Geographers with qualifications in one or more of the following are urged to apply.

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The department offers a full range of graduate and undergraduate programmes.

Inquiries and applications should be addressed to Professor William Warntz, Chairman, Department of Geography, Social Science Centre, The University of Western Ontario, London, Ontario, Canada N6A 3K7. Telephone Area 519-679-3428.

THE ONTARIO INSTITUTE FOR STUDIES IN EDUCATION

Applications and nominations are invited for the position of **Academic Services Officer**, for a three-year term commencing July 1, 1974.

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Among the qualifications sought, experience in a responsible administrative position is essential. Possession of a doctoral degree and previous experience in an academic institution are desirable.

Academic rank and salary will depend upon qualifications and experience.

Applications, nominations, and inquiries should be addressed to Dr. R. H. Farquhar, Chairman, Search Committee for Academic Services Officer, The Ontario Institute for Studies in Education, 252 Bloor Street West, Toronto, Ontario M5S 1V6, Canada.

The final date for receipt of formal applications is January 15, 1974.

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PROFESSIONAL LIBRARIANS

The Membership Committee of the CAUT has recommended to local associations that they consider offering membership to professional librarians in those circumstances where the librarians so desire. The Council of the CAUT in May of this year approved this report. We have circulated local associations concerning membership of librarians with the following results to date:

Local Associations Where Librarians are Members

Alberta
British Columbia
Calgary
Dalhousie
Guelph
Lakehead
Laurentian
Lethbridge
McGill
McMaster
Memorial
Moncton
Mount Allison
Notre Dame of Nelson
Nova Scotia Technical College
Ottawa
St. Mary's
Regina
Saskatoon
Simon Fraser
Victoria
Waterloo
Waterloo Lutheran
Windsor

Five associations reported that they do not permit librarians to be members. The remainder have not yet replied.

Continued from p. 16

That does not mean that I want to protect the incompetent. I think that we should have dismissal procedures and we should use them for incompetence, but I doubt that there is a problem in Canada.

But I think that the CAUT and the AUCC should focus on the way governments are financing universities in Canada now, to get a rational way, so that we do not have this problem at all.

PROF. JUDSON *The points made here are crucial, because they underly what is fundamental to the solution of the problem. As a lawyer, I have no answer for you when you say what is (just) cause. The reason is, that is a question which is not amenable to adjudication in any kind of court. It is what is called a polycentric decision. You cannot prove that we have to drop two people in the english department. You cannot prove that a program of advanced study of Polish-American relations has to be dropped. Neither can you prove that the best way to fight inflation is fiscal policy as opposed to monetary policy. You can't prove those things. And so the last place you ever want to be is in a court to try and determine that issue. It's great if you win, but it's not so good if you lose. And there is no justice, quite clearly, in any kind of decision that emanates. The solution is a policy-one, in which you, and everyone else has to be involved in. If you're at least able to participate in the decision, you have a better chance of making it the* **right** *decision, than if you set up some procedural safeguards that allow you eventually to get to court, sue them for breach of contract and hope to hell that you can win. For that reason, just as Dr. Wyman said, you have to develop new policies of financing which are not adjusted to the vagaries of enrolment; you have to determine as a community, making decisions for itself in consultation with government, what the policies are . . .*

GORDON UNGER (Alberta) *. . . During the development of procedures for guaranteeing academic freedom which we had called tenure, we have always been concerned with the impact of these procedures in protecting the individual member. We have used our collective strength, but we have been concerned with the individual's protection against dismissal for cause; taking away the individual's academic freedom. When we are discussing the issue of economic security, and I like Professor Judson't division of the problem into these two aspects, I think we make a grave mistake if we attempt to attack this on the same basis — that of the protection of the individual. Because, as it has been pointed out, there is no clear-cut way of protecting an individual in this situation. This reinforces the responsibility to this association, to the provincial associations, and to all of us acting collectively to ensure that in the discussions with respect to cutbacks, in discussions with respect to the protection of economic security, that we act on a collective basis. And if we're acting on a collective basis, I think it is very important to define whom we're reacting to . . . As a collective group . . . (we have to) . . . take this fight to people who are supplying the economic rationale for universities; that is governments. That does not mean that we have to ignore the short-term issues. But if we address ourselves to procedures for the removal of an individual staff member on grounds of budgetary exigency, on grounds of redundancy, we're fighting the wrong battle . . .*

PROF. DONALD SAVAGE. (Executive Secretary, CAUT) *. . . I very strongly believe that in the situation which we are faced at the moment . . . the most important thing that we can do is to insure by the strength of our organizations at every level that we can speak with a strong and effective voice to governments. That political action is going to have to be one of the most important staples of CAUT and provincial association activities — we should recognize that clearly and explicitly . . . we should, as much as possible, devote our energies, time and money to insure that this is done in the best possible way; to insure the greatest results for the profession.*

Where I would disagree with Gordon Unger is in what I see is a tendency to look at these as either-or things. I see the matter of cutbacks as a global matter, and . . . we must indeed engage in political action; we must also engage in action at the local level in terms of the structures of the university, so that we must also try to develop procedures which protect the rights of individuals. Again, I see an either or dichotomy being set up. I really don't believe that the procedures we have to protect individuals in other circumstances in the university are perfect, clear-cut, isolated . . . All these procedures are a very difficult attempt to try and establish a rationality in the university. And I think that we should establish that rationality at the individual decision-making level as well as at the collective level. I don't think there is any either-or; I don't think that these are mutually exclusive. I think that our associations at all levels should be attempting to do all these things.

REPORT OF THE PRESIDENT 1972 - 73

It is an unquestionable fact that the only thing more passé than yesterday's newspaper is last year's president. In spite of this, the C.A.U.T. has traditionally and masochistically required its out-going president to make some kind of report to the membership on the occasion of his passing on. Some of my good friends who have preceded me have used the opportunity to wax philosophical or humorous, but I am going to try to play it reasonably straight — to discuss some important currents now flowing strongly in Canadian university waters, as I was able to see them during the last year. And if you infer from this that I am too diffident to try to be as philosophical as Willard Allen, or as witty as Gordin Kaplan, well, you may be right.

It is difficult — it really is — to recall and list even the major events that have occurred in Canadian universities in the last five years. It is hard not to believe that the period will someday be regarded as the most interesting in the history of higher education in Canada. And it is nearly impossible to remember how *calm* everything seemed in the mid-sixties; and to recall the first requests, tentatively voiced by faculty members, for reforms in university governance. These were followed by more clamourous demands from student leaders — demands for reorganized curricula and unstructured courses, and for parity, and for teaching evaluation, and even for Marxist economists. In the beginning students used sit-ins and demonstrations, and even violent insurrections, though these techniques seem to have yielded to the instruments of diplomacy in the more recent past.

Reforms in many university Acts led to reconstituted senates and boards, often with overlapping memberships, usually including students. These reformed bodies tested their powers, and wrote masses of legislation as the universities were 'judicialized' in attempts to foresee every contingency. Committees expanded to fill the available seminar rooms, and Parkinson's disease became endemic in the university community.

Changes also occurred in the world outside the campuses — changes which rapidly affected the post-secondary system. New institutions — the applied colleges — appeared on the scene, lusty and vibrant and attractive to many students who would, in their absence have enrolled in universities. The high costs of post-secondary education quickened the interest of politicians, federal and provincial, some of whom threatened to "rationalize" us, a process of such vague but terrifying significance that even the most rational professor quailed at the thought. And finally, in 1972, to the astonishment of many, the wolf appeared at the doors of the universities — indeed at some institutions he was already inside the door and making a mess in the living room.

I want to discuss the wolf in the living room in a little detail because it has occupied a good deal of the time and talents of many local associations, as well as the C.A.U.T., during the past year. The budgetary problem faced by universities obviously poses major problems for professional associations like the locals, and for the provincial and federal associations that back them

RAPPORT DU PRESIDENT 1972-73

Un président sortant appartient au passé encore plus qu'un journal de la veille; c'est un fait indéniable, mais malgré cela, l'ACPU demande toujours au président de l'année qui vient de s'écouler de faire un rapport aux membres à l'occasion de son départ. Certains de mes bons amis qui m'ont précédé en ont profité pour philosopher ou faire de l'humour, mais je vais, quant à moi, essayer d'être direct et de parler des tendances qui se font de plus en plus fortes dans les universités canadiennes d'après ce que j'ai pu voir l'année passée. Et si vous pensez que c'est la modestie qui m'empêche d'être aussi philosophe que Willard Allen ou aussi spirituel que Gordin Kaplan, vous avez peut-être raison.

Il est vraiment difficile de se souvenir de tous les événements, même très importants, qui se sont produits dans les universités canadiennes au cours de ces cinq dernières années. Je ne m'étonnerais pas qu'un jour on considère cette période comme l'une des plus intéressantes de l'histoire de l'enseignement supérieur au Canada. Il est presque impossible de se souvenir du calme qui régnait vers 1965 et des premières demandes de réforme de l'administration universitaire présentées par les professeurs. Ces demandes ont été suivies de réclamations plus bruyantes de la part des leaders étudiants qui voulaient une réorganisation des programmes et une restructuration des cours, la parité, l'évaluation de l'enseignement et même des économistes marxistes. Au début, les étudiants ont fait des manifestations sur le tas, des démonstrations et sont même allés jusqu'aux insurrections violentes, mais ces méthodes semblent avoir, par la suite, cédé le pas à la diplomatie.

La réforme de nombreuses lois universitaires a permis de reconstituer les sénats et les conseils dont les membres étaient souvent les mêmes et qui comprenaient généralement des étudiants. Une fois réformés, ces organes ont, pour éprouver leurs pouvoirs, rédigé quantité de mesures législatives, les universités s'efforçant de prévoir tous les imprésivibles. Les comités ont pris plus d'importance et ont rempli les salles mises à leur disposition et la maladie de Parkinson s'est mise à sévir de façon endémique dans le milieu universitaire.

Il y a eu également des changements dans le monde à l'extérieur des campus et ces changements ont rapidement touché le système post-secondaire. De nouveaux établissements, les collèges industriels, ont fait leur apparition, attirant de nombreux étudiants qui, sans eux, seraient entrés à l'université. Les politiciens des gouvernements fédéral et provinciaux se sont inquiétés du coût élevé de l'enseignement supérieur et certains d'entre eux ont menacé de nous "rationaliser". C'est un processus assez vague, mais qui n'a pas manqué de faire peur même aux plus rationnels d'entre nous. Enfin, en 1972, à l'étonnement de nombreuses gens, le loup s'est montré à la porte de la bergerie et, dans certains établissements, il était déjà à l'intérieur, à semer la panique.

J'aimerais parler en détail de ce loup qui semait la panique dans la bergerie car, au cours de l'année passée, il a accaparé une bonne partie du temps et des efforts de nombreuses associations et notamment de l'ACPU. Les difficultés budgétaires des universités ont évidemment causé de grosses difficultés aux associations professionnelles locales et, du même coup, aux associations provinciales et fédérales qui les soutenaient. On a déjà remarqué que la

up. It has been observed before that nothing attracts one's attention quite as well as a gun held to one's head; and cutbacks, and rumours of cutbacks, have made a real impact on associations at all three levels. I'd like to say a little about cutbacks themselves and what the C.A.U.T. has been trying to do about them, and then go on to discuss the partially related question of the unionization of faculty members in Canada.

* * *

No Canadian faculty member needs me to tell him or her that the cutback question is here, or just around the corner, at most Canadian universities. It has arrived very suddenly, caused partly by a reduction of the rate of growth, and even, in some places, by enrollment drops. These effects have many causes — lower population of the right age, competing institutions, changing student ideas, and so on. But we do not need a sociological analysis to prove to us that fewer students will ultimately lead to fewer faculty positions. Many local associations have had to deal with the threat of wholesale firings during the last year. It has been the C.A.U.T.'s consistent advice to the locals that they must demand real proof that a budgetary crisis exists, that all other solutions have been explored and found wanting, and that satisfactory procedures exist for the dismissal of the tenured or probationary faculty members who must go.

So far, very few faculty members have been dismissed for budgetary reasons, though in some institutions there have been a large number of non-renewals of younger faculty who were originally hired on limited term contracts. These non-renewals have been quite traumatic enough if only because the victims do not take much consolation from the fact that they have not been dismissed, but only 'non-renewed.' The problem of finding the next meal generally causes a loss of interest in fine distinctions. Local associations would do well to try to ensure that their administrations do not make indiscriminate and inappropriate use of limited-term contracts in hiring new faculty.

Every local association must give the cutback question top priority for the next year or two. I think it is essential that every university now develop the procedures by which they will deal with cutbacks if they are needed. The procedures — need I add? — should conform closely to those adopted by the C.A.U.T. Council and amended last May.

The other subject I want to say a bit about is the appearance on Canadian campuses of unions for faculty members. It is not yet widely-known, but there are already six local unions in Canada; four in Quebec, at the University of Quebec campuses in Chicoutimi, Montreal, Trois Rivières and Rimouski; one in New Brunswick, at the Bathhurst campus of the University of Moncton; and one in British Columbia, at Notre Dame University of Nelson. Only the last is also a member association of the C.A.U.T. The trend is much better developed among francophone universities, at least partly because the more direct involvement of the Quebec government in the operation of the universities has necessitated a forceful riposte.

Anglophone faculty in Canada have traditionally regarded unionization as a step hardly to be contemplated, holding it to be incompatible with the profession of scholarship. There are clear signs that this reluctance is disappearing and many local associations are now studying seriously the pros and cons of unionization.

It has therefore been a matter of the greatest urgency for the C.A.U.T. to become informed on the related subjects of collective bargaining and unionization. As well, the spring, 1972 Council instructed this year's executive committee to look into affiliation with the Canadian Labour Congress. Because of the importance of all of these

meilleure façon d'attirer l'attention de quelqu'un c'est de lui tenir le couteau sous la gorge; les menaces de réduction des effectifs ont beaucoup impressionné les associations des trois niveaux. J'aimerais parler un peu de ces réductions et de ce que l'ACPU a tenté de faire à ce sujet. Je passerai ensuite à la syndicalisation des professeurs au Canada.

* * *

Aucun professeur canadien n'a besoin de moi pour savoir que la question de la réduction des effectifs se pose dans la plupart des universités du pays. Elle s'est posée très soudainement, en partie à cause d'une diminution du taux d'expansion et même, à certains endroits, d'une diminution des inscriptions. On peut attribuer cela à de nombreuses raisons comme la diminution de la population en âge d'entrer à l'université, la concurrence d'autres établissements, le changement d'attitude des étudiants, etc. Mais il n'est pas nécessaire de se livrer à une analyse sociologique pour voir que s'il y a moins d'étudiants il y aura forcément moins de professeurs. De nombreuses associations locales ont dû faire face à une menace de licenciements massifs au cours de l'année dernière. L'ACPU a constamment recommandé aux associations locales d'exiger qu'on leur prouve l'existence d'une crise budgétaire, qu'on leur démontre qu'on avait envisagé sans succès toutes les autres solutions et qu'on les assure de l'existence de procédures satisfaisantes pour procéder au congédiement des professeurs permanents ou à l'essai qui doivent partir.

Jusqu'ici, rares sont les professeurs qui ont été congédiés pour des raisons d'ordre budgétaire même si, dans certains établissements, on a souvent omis de renouveller le contrat de jeunes professeurs qui avaient été engagés pour une période limitée. Ces mesures ont été assez traumatisantes car même s'ils peuvent se dire qu'on ne les a pas congédiés, mais qu'on ne les a simplement pas repris, cela ne suffira pas à consoler les professeurs victimes de ces mesures. Quand on a le ventre creux on n'est pas tellement porté à faire ce genre de distinctions. Les associations locales feraient donc bien de s'assurer que les universités n'abusent pas des contrats pour des périodes limitées lorsqu'elles engagent de nouveaux professeurs.

Au cours des deux prochaines années, les associations locales devront accorder la première priorité à la question de la réduction des effectifs. A mon avis, il est indispensable que toutes les universités mettent au point des procédures pour s'occuper des réductions des effectifs. Ces procédures devront (ai-je besoin de le dire?) se conformer étroitement à celles qui ont été adoptées par le Conseil de l'ACPU et modifiées en mai dernier.

J'aimerais également parler un peu de l'apparition sur les campus de syndicats de professeurs. Tout le monde ne le sait pas encore, mais il y a déjà six syndicats locaux au Canada; quatre au Québec, sur les campus de l'Université du Québec à Chicoutimi, Montréal, Trois-Rivières et Rimouski, un au Nouveau-Brunswick, sur le campus Bathhurst de l'Université de Moncton et un en Colombie-Britannique, à l'Université Notre-Dame, de Nelson. Seul ce dernier est également affilié à l'ACPU. La tendance est nettement plus marquée dans les universités francophones, en partie parce que l'intervention plus directe du gouvernement du Québec dans le fonctionnement de l'université a obligé les professeurs à riposter plus vigoureusement.

Les professeurs anglophones du Canada ont toujours considéré la syndicalisation comme une mesure de dernier recours, incompatible avec la profession d'enseignant. Il semble bien que cette répugnance disparaisse et de nombreuses associations locales étudient maintenant sérieusement le pour et le contre de la syndicalisation.

Il était donc très urgent que l'ACPU s'informe sur les questions relatives à

matters and also the loud cries for help from those locals which were already organizing local unions, the Board instructed the central office to compile enough basic information on the subject to allow rational decision-making to go on at the local level. The result of the year's work has been a number of very informative reports from Mlle Marie-Claire Pommez (a professional officer of the association, who has worked in close co-operation with the Committee on Collective Bargaining, which was ably chaired by Professor Jack Bailey of Manitoba) and the development of considerable expertise on the pros and cons of unionizing. At the present time, the C.A.U.T. recognizes that the formation of a local union is one possible way for a faculty association to try to achieve real collective bargaining, and has agreed to support such efforts when they are desired by the local membership, and when it is the intent of the local to conform to C.A.U.T. policy. On the other hand, we are anxious to ensure that locals do not, in the search for bargaining leverage, accidentally destroy many of the benefits they have gained over the years as a faculty association.

This year has been one of self-instruction for the C.A.U.T. in co-operation with many locals. While we still have much to learn, we are far more knowledgeable than we were a year ago. We now know enough to be able to point out pitfalls lying in the path of locals considering this step, but we can also make suggestions for circumnavigating them.

I think it would be prudent for every local association to begin to study this question, if only to make sure they, and their members, are better informed about it than they were before.

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One other matter I would like to report on is a purely intramural one, and that is the functioning of the new C.A.U.T. by-laws and structure, which came into effect in 1972. As one who had a good deal to do with encouraging the C.A.U.T. to modify its structure, I was naturally hopeful, as the year began, that we would have an organization that would function somewhat better than the old one.

The new structure retains the Council (consisting of one member from each local, usually its president) which meets only once a year, not twice, as the old one did. Council is the legislative body of the C.A.U.T., as well as being the guardian of the constitution. It must approve all new policy and changes to the by-laws. Furthermore only the Council can impose or lift a censure.

The Board of the C.A.U.T. is a new body, designed in the hope that it would assist us to overcome some of the problems associated with the old Council. It has a membership of 25, including the officers and 20 members elected by the provincial faculty associations. It is responsible for the C.A.U.T. budget, for approving interim policy, and for the proposal of policy to Council. The Board is smaller than Council, it meets more often, and nearly all of its members are people who have served a year or more as officers of their local or provincial associations, and who therefore have wide experience that is valuable to the C.A.U.T., and more time to put it at our disposal than the hard-pressed incumbent presidents who make up the Council. As the Board's chairman, I was very impressed with its performance in its first year.

It is my hope that over the next few years Council will find that it can put great faith in the advice coming to it from the Board so that legislation and policy-making, while they will stay *de jure* the function of the Council, will become *de facto* the business of the Board. If that happens it will permit the Council to devote most of its meetings to what should be much more valuable, given its make-up: an information exchange and educational event for new local officers.

la négociation collective et à la syndicalisation. Au printemps 1972, le Conseil a demandé au Bureau de direction d'étudier la possibilité d'une affiliation de l'ACPU au Congrès du travail du Canada. Vu l'importance de toutes ces questions et les appels au secours lancés par les associations locales qui avaient commencé à organiser des syndicats locaux, le Bureau de direction a demandé au secrétariat central de réunir suffisamment de renseignements sur le sujet pour qu'il soit possible de prendre des décisions au niveau local. Le travail de cette année s'est soldé par un certain nombre de rapports des plus intéressants présentés par Mlle Marie-Claire Pommez (un membre professionnel de l'association qui a travaillé en collaboration étroite avec le comité sur la négociation collective présidé par le professeur Jack Bailey, du Manitoba) et un grand nombre de renseignements sur les avantages et les inconvénients de la syndicalisation. A l'heure actuelle, l'ACPU reconnaît qu'un syndicat local peut permettre à une association de professeurs d'obtenir une véritable négociation collective et accepte d'appuyer ces efforts à la demande de l'association locale si cette dernière à l'intention de se conformer à la politique de l'ACPU. D'autre part, nous tenons à nous assurer qu'en cherchant à améliorer leur position de négociation, les associations locales ne perdront pas un grand nombre des avantages qu'elles ont gagnés au cours des années.

L'ACPU a beaucoup appris, cette année, avec l'aide de nombreuses associations locales. S'il nous reste encore beaucoup à apprendre, nous en savons toutefois assez pour signaler les écueuils aux associations locales qui envisagent cette mesure, mais nous pouvons aussi leur faire des suggestions pour les éviter.

Je pense qu'il serait prudent que toutes les associations locales commencent à étudier cette question, ne seraitce que pour s'assurer qu'elles sont, elles et leurs membres, mieux informées à ce sujet qu'elles ne l'étaient avant.

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J'aimerais également soulever une question purement interne, celle du fonctionnement des nouveaux statuts et de la nouvelle structure de l'ACPU qui sont entrés en vigueur en 1972. Comme j'ai moi-même vivement encouragé l'ACPU à modifier sa structure, j'espérais, bien sûr, au début de l'année, que notre nouvelle organisation fonctionnerait mieux que l'ancienne.

Selon la nouvelle structure, nous conservons le Conseil (composé d'un membre de chaque association locale, généralement son président) qui se réunit une fois par an seulement et non plus deux comme avant. Le Conseil est l'organe législatif de l'ACPU et le gardien de la constitution. Il doit approuver toutes les nouvelles politiques et les changements aux statuts. En outre, seul le Conseil peut imposer ou lever une censure.

Le Bureau de direction de l'ACPU est un nouvel organe que nous avons conçu dans l'espoir qu'il nous aiderait à surmonter certains des problèmes que posait l'ancien Conseil. Il compte vingt-cinq membres dont les membres du comité exécutif et vingt autres membres élus par les associations provinciales de professeurs. Le Bureau de direction est responsable du budget de l'ACPU; il approuve les politiques intérimaires et il propose des lignes de conduite au Conseil. Le Bureau de direction est plus petit que le Conseil, mais il se réunit plus souvent. Comme presque tous ses membres ont été, pendant un an ou plus, membres directeurs de leur association locale ou provinciale, ils possèdent une vaste expérience très utile à l'ACPU et peuvent consacrer à l'ACPU plus de temps que les présidents qui forment le Conseil. En tant que président du Bureau de direction, j'ai été très impressionné par les résultats qu'il a obtenu au cours de sa première année d'existence.

J'espère qu'au cours des prochaines années, le Conseil constatera qu'il peut

Indeed this is the way we planned the 1973 Council meetings, and I believe that members of Council were generally pleased by the chance to hear interesting panels on problems of current concern, and to give the Board's legislative recommendations a thorough, but not infinite, checking over before approving them.

There remains to be said something about relations between the C.A.U.T. and provincial associations. There are now provincial associations, at least in embryo, in seven provinces, and as the other three provinces (Prince Edward Island, Newfoundland and Saskatchewan) have only one university each, the local associations also serve a provincial function. In spite of the recent proliferation of provincial associations, none of the new ones has as yet been able to establish the kind of secretariat that has been so useful in Quebec and Ontario. I would hope that in the next few years such offices would be established, and I would suggest that this might be feasible if the C.A.U.T. were to co-operate with groups of provinces to open regional offices. Probably an Atlantic office, a prairie office, and a B.C. office, would meet the needs of our members for many years to come. I would hope that the C.A.U.T., O.C.U.F.A., and F.A.P.U.Q. would look favourably on such a development.

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It has been an interesting and pleasant experience to have served for a year as the president of the C.A.U.T., and one I take considerable pride in. It is not as serious a job as many of our members seem to think, because of the outstanding staff assembled in the office in Ottawa. One of our main worries in 1972-73 was caused by the need to replace so many of them — there was an extraordinarily heavy turnover this year. I am particularly happy to report on behalf of the Board that we have been very fortunate in securing the services of Professor Donald C. Savage as Executive Secretary, and Professor Victor Sim as Associate Executive Secretary (A.F. & T.). M. Pierre Leahey continues as Associate Executive Secretary (Economic Benefits). We were also fortunate this year in acquiring, as professional officers, Mlle Marie-Claire Pommez and Mr. Israel Cinman. It is also a pleasure to record, on behalf of all our members, our appreciation of the invaluable service they provide to the C.A.U.T. and to our profession.

Finally, I want to add that all Canadian faculty members owe a great debt to Professor Alwyn Berland, who finished a four-year term as Executive Secretary of the C.A.U.T. at the end of 1972. Al Berland brought to the office his good sense, and his talents as a scholar, administrator, diplomat, psychiatrist, raconteur, and humourist, all of which are needed at one time or other in a job in which the pressure rarely lets up. Besides being able to draw on Al's skills when I needed them, I was the beneficiary of a number of new paranoia jokes, a type of story which seems to flourish in the office of the Executive Secretary. One of the choicest was Al's pathetic plaint, made one day when the pressure was somewhat above normal, "Everybody hates me, because I'm paranoid."

Professor Berland has moved on, but I have no doubt that he will retain his essential good humour, humanity and humaneness, even in his new position as Dean of Humanities at McMaster University.

Charles C. Bigelow
C.A.U.T. President, 1972-73.

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se fier aux avis donnés par le Bureau de direction et que, finalement, ce dernier s'occupera "de facto" des règlements et des lignes de conduite même si, en principe, la responsabilité "de jure" en incombe au Conseil. Cela permettrait au Conseil de consacrer la plupart de ses réunions à des questions plus valables étant donné sa composition et d'en faire une occasion d'échange de renseignements pour les nouveaux membres locaux.

C'est donc dans cette optique que nous avons planifié la réunion du Conseil en 1973 et je crois qu'en général ses membres ont été contents d'entendre des discussions intéressantes sur des problèmes actuels et de pouvoir vérifier attentivement les recommandations législatives du Bureau de direction avant de les approuver.

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Il me reste à parler un peu des relations entre l'ACPU et les associations provinciales. Il existe maintenant des associations provinciales, du moins à l'état embryonnaire, dans sept provinces (L'Ile-du-PrinceEdouard, Terre-Neuve et la Saskatchewan) n'ont qu'une université chacune, les associations locales y assurent également les fonctions d'association provinciale. Malgré la prolifération récente des associations provinciales, aucune d'elles n'a encore pu établir le genre de secrétariat qui s'est révélé si utile au Québec et en Ontario. J'espère qu'au cours des prochaines années, ces bureaux seront établis et je pense que l'ACPU pourrait collaborer avec des groupes de provinces pour ouvrir des bureaux régionaux. Il suffirait sans doute d'un bureau dans la province de l'Atlantique, d'un dans les Prairies et d'un autre en Colombie-Britannique pour répondre à nos besoins pour de nombreuses années. J'espère que l'ACPU, l'OCUFA et la FAPUQ verront cette entreprise d'un bon oeil.

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Cela a été pour moi une expérience intéressante et agréable d'assumer, pendant un an, la présidence de l'ACPU et j'en suis d'ailleurs très fier.

Ce n'est pas une tâche aussi ardue qu'un grand nombre de nos membres semblent le croire, grâce au personnel exceptionnel que nous avons dans notre bureau d'Ottawa. Ce qui nous a le plus ennuyés au cours de l'année écoulée c'est d'avoir à en remplacer autant car il y a eu beaucoup de roulement. Je suis content de pouvoir dire, au nom du Bureau de direction, que nous avons eu la chance d'avoir avec nous le professeur Donald C. Savage au poste de secrétaire exécutif et le professeur Victor Sim comme secrétaire exécutif adjoint (Liberté universitaire et permanence de l'emploi). M. Pierre Leahey continue à assumer les fonctions de secrétaire exécutif adjoint (Avantages sociaux). Nous avons également eu la chance d'avoir Mlle Marie Claire Pommez et M. Israel Cinman comme membres professionnels. J'ai le plaisir de dire, au nom de tous nos membres, que nous avons beaucoup apprécié les services inestimables qu'ils ont rendu à l'ACPU et à notre profession.

Enfin, je voudrais ajouter que tous les membres du corps professoral canadien doivent un grand merci au professeur Alwyn Berland qui a terminé son mandat de quatre ans au poste de secrétaire exécutif de l'ACPU à la fin de 1972. Al Berland avait apporté au bureau son bon sens et ses talents d'universitaire, d'administrateur, de diplomate, de psychiatre, de raconteur et d'humoriste qui sont tous nécessaires quand on travaille constamment sous pression. J'ai pu profiter de ses multiples talents lorsque j'en avais besoin et, en plus, j'ai eu droit à de nouvelles histoires de paranoïaques car ce genre de blagues semblait fleurir dans le bureau du secrétaire exécutif. L'une des meilleures, c'est la plainte pathétique que m'a adressée Al un jour où nous étions encore plus débordés de travail que d'habitude: "Tout le monde me déteste parce que je suis paranoïaque".

Le professeur Berland est parti, mais je suis sûr qu'il conservera la bonne humeur et qu'il restera humain et humaniste, même dans ses nouvelles fonctions de doyen des humanités à l'Université McMaster.

Charles C. Bigelow,
Président de l'A.C.P.U., 1972-73.

ANNUAL REPORT OF THE EXECUTIVE SECRETARY

Delivered at the CAUT Council Meeting, Charlottetown, P.E.I., May 18-19, 1973.

This has been the first year in which the new constitution of the CAUT has functioned. It is obviously too soon to make any definitive statement about the success of these arrangements, but it is evident from the agenda today that the new Board of the CAUT has covered a great deal of ground in its first four meetings. One of the more important steps of the Board was the decision to conduct a thorough review of the CAUT committee structure with the aim of trying to pinpoint our main objectives and to delineate a committee structure to realize them. The Board approved the continuation or creation of five standing committees – Academic Freedom and Tenure and Economic Benefits which we already have plus three new ones, the Committee on Relations with Government whose function is I think self-evident, the Committee on Internal University Affairs whose job it is to oversee the work of the CAUT in such areas as university governance, teaching effectiveness and faculty/student relations, and the Publications Committee which will be responsible for overseeing the major publishing ventures of the CAUT. The standing committees will be struck with the intention of being representative of the five regions of the country and of the two official languages. Sub-committees will hopefully be smaller, subject oriented, and not necessarily geographically representative unless there is some reason to do so. There are also four *ad hoc* committees which were continued or struck to recommend solutions to particular problems — status of Women Academics, Collective Bargaining, Canadianization, Membership. The complete committee structure will be printed in the *Bulletin* and the *Handbook*.

Everyone recognizes that one of the most important jobs of the CAUT is communication with our 17,000 individual members. This year we reorganized the publication of the *CAUT Bulletin*. Israel Cinman has been in charge since September and I think you will agree that the six issues per year we now put out carry our message to the members much more effectively than in the past. We hope to make improvements in the design over the summer. We are planning special discussions on tenure and on the Canadianization debate in the autumn. I know that Israel would welcome any suggestions for improvement that you might care to make to him either here at the Council or by letter.

The Board has approved a further step in our communications policy by funding a series of CAUT publications. These will be books which will appear at least twice a year. Some will be on particular problems within the profession – teaching effectiveness and the status of women professors. Others will be more general. I am very grateful to Professor Naomi Griffiths for developing the policy for us, particularly for securing very advantageous publishing terms. We hope that the first book will appear in the spring of 1974.

In still another area related to communications, we have struck up a useful alliance with the Association of Canadian Radio and Television Artists (ACTRA), particularly in connection with problems which arise for faculty members as writers and performers for educational TV. OCUFA pioneered in this area and I am sure that we will all be grateful in the future for their foresight. You will note that on the agenda you are being asked to approve a

RAPPORT ANNUEL DU SECRETAIRE GENERAL

L'ACPU fonctionne sous sa forme actuelle depuis maintenant un an. Bien sûr, il est encore trop tôt pour tirer des conclusions définitives quant au succès de sa nouvelle organisation, mais on peut voir, d'après l'ordre du jour, que le nouveau Bureau de direction a parcouru bien du chemin au cours de ses quatre premières réunions. Il a notamment fait un grand pas en avant en décidant d'étudier la structuration des comités de l'ACPU tout en précisant les principaux objectifs de l'Association pour organiser des comités capables de les réaliser. Le Bureau de direction a approuvé le maintien du Comité de la liberté universitaire et de la permanence de l'emploi ainsi que le maintien du Comité sur les bénéfices économiques; il a approuvé la création du Comité des relations avec le gouvernement dont le nom illustre le role, et celle du Comité des affaires internes des universités qui supervise le travail de l'ACPU dans des domaines tels que l'administration de l'université, l'efficacité de l'enseignement et les relations entre la faculté et les étudiants; enfin le Bureau de direction a aussi accepté la création du Comité des Publications qui sera chargé de superviser les publications importantes de l'ACPU. Les comités permanents seront formés de façon à représenter les cinq régions du pays et les deux langues officielles. Les sous-comités qui, de préférence, seront plus petits, seront chargés d'une question précise et ne représenteront pas nécessairement toutes les régions sauf si c'est nécessaire. Il y a également quatre comités ad hoc qui ont été maintenus ou créés pour recommander des solutions à des problèmes particuliers, à savoir: la situation de la femme professeur, les négociations collectives, la canadianisation, l'adhésion à l'ACPU. La structure des comités sera exposée au complet dans le Bulletin et le Guide.

Personne n'ignore que l'une des principales tâches de l'ACPU consiste à communiquer avec ses 17,000 membres. Cette année, nous réorganisons la publication du bulletin de l'ACPU, et vous conviendrez, je pense, que les six numéros que nous publions chaque année nous permettent de communiquer avec nos membres beaucoup mieux que par le passé. Nous espérons pouvoir améliorer la présentation du Bulletin au cours de l'été. Nous nous proposons d'organiser des discussions spéciales au sujet de la permanence de l'emploi et de la canadianisation cet automne.

Le Bureau de direction a fait progresser notre politique en matière de communications en approuvant la création d'une série de publications de l'ACPU. Il s'agit de livres qui seront publiés au moins deux fois par an. Certains d'entre eux traiteront de problèmes particuliers à la profession comme l'efficacité de l'enseignement et la situation de la femme professeur et d'autres de questions plus générales. Je suis très reconnaissant au professeur Naomi Griffiths d'avoir formulé cette ligne de conduite pour nous et notamment de nous avoir obtenu des conditions de publications très avantageuses. Nous espérons pouvoir publier notre premier livre au printemps 1974.

Dans un autre domaine qui touche les communications, nous avons conclu un accord avec l'*Association of Canadian Radio and Television Artists* (ACTRA) notamment à l'égard des problèmes qui se posent aux professeurs qui écrivent ou qui jouent pour la télévision éducative. L'OCUFA a fait oeuvre de pionnier dans ce domaine et je suis sûr que nous la remercierons tous un jour de sa prévoyance. Vous remarquez sur l'ordre du jour qu'on vous demande d'approuver un accord officiel entre l'ACPU, l'ACTRA et la Fédération canadienne des enseignants pour créer un centre national d'information sur les problèmes de la télévision éducative et adresser des demandes concertées au gouvernement fédéral à l'égard des droits d'auteur des professeurs et autres questions d'intérêt commun. L'Alberta et la Colombie-Britannique semblent vouloir se joindre

formal agreement between CAUT, ACTRA and the Canadian Teachers' Federation which would create a national clearing house of information on the problems of educational TV and allow for concerted representations to the federal government on the subject of copyright which lies at the base of the faculty member's rights in this area and on any other matters of common concern. Alberta and British Columbia appear to be joining Ontario and Quebec in the creation of communication authorities. No doubt other provinces will follow suit. I hope that our endeavours will protect the rights of faculty members involved, promote rational use of educational television, and prevent reckless folly in the spending of public money in this area. There are far too many thoughtless comparisons made by politicians between the situation in Canada and the Open University in Great Britain – comparisons which take into account none of the major differences between our two countries.

I am certain that this country cannot afford ten educational TV production centres – perhaps only two that would be any good (one English, one French), perhaps on a regional basis. I am amazed that politicians are willing to talk of spending millions in this area when at the same time they are refusing the funds for more modest but perhaps more effective types of extension work that already exist – circuit riding professors, taped lectures, correspondence courses and the like.

In the general area of internal university affairs I can report that the Board has created or continued three sub-committees of the Committee on Internal University Affairs. The first of these is the University Governance Committee which is studying a number of questions – the structure of university government in Canada — in particular the role of faculty on governing bodies, the manner of selection of presidents, vice-presidents, deans and chairmen, and the effect of collective bargaining on the traditional CAUT view of the university governance. The committee has only recently been created and I hope that it will begin to have reports for the Board in the first part of the next academic year. The second sub-committee is that on teaching effectiveness which has been concerned with the problems of student evaluation and of merit pay. Chris Knapper of Regina will be retiring as chairman of this committee. We are particularly grateful to him for the work he and his committee have done for us in the last few years. The third is the faculty/student relations committee whose draft report will be before you in the autumn. This sub-committee had an earlier existence but went into limbo for a period of time. It has been revived under the chairmanship of Professor Theall of McGill. Its report will be dealing with one of the most sensitive areas of university work at the moment and I hope that all the local associations will discuss it and make suggestions during this coming academic year. Finally you are also being asked to approve guidelines concerning the internal patent policies of universities. I expect that similar guidelines concerning copyright will be proposed in the near future. However, it is not enough for the CAUT to develop guidelines and to publish them. They will only become a part of the effective policy of the university if each faculty association each year reviews such guidelines and makes a determined effort with the assistance of the central office if need be to ensure that their university adopts procedures which are consonant with those passed by the CAUT. Otherwise passing policy statements and guidelines becomes merely a vicarious exercise in making those present at the Council feel good.

Clearly one of the most important areas of internal university concern is the development of collective bargaining. The central office has been developing expertise and information in this area during this year as fast as possible. I am very grateful to Marie-Claire Pommez for the work done in

à l'Ontario et au Québec pour créer des autorités en matière de communication. D'autres provinces les suivront certainement. J'espère que nos efforts protégeront les droits des professeurs concernés, qu'ils permettront de promouvoir une utilisation rationnelle de la télévision éducative et qu'ils empêcheront de gaspiller les deniers publics. Les politiciens ont fait beaucoup trop de comparaisons inconsidérées entre la situation au Canada et en Grande Bretagne, des comparaisons qui ne tiennent aucun compte des différences importantes qui existent entre les deux pays. Je suis sûr que le Canada ne peut se permettre d'avoir dix centres de productions d'émissions de télévision éducative. Il suffirait sans doute d'en avoir deux (un anglais et un français) et peut-être pourrait-t-on les organiser sur une base régionale.

Je m'étonne que les politiciens soient prêts à dépenser des millions de dollars dans ce domaine alors qu'ils refusent des fonds pour des programmes plus modestes, mais peut-être plus efficaces, qui existent déjà comme ceux de profeseurs itinérants, de conférences enregistrées, de cours par correspondance et autres.

En ce qui concerne les affaires internes des universités en général je signalerai que le Bureau a créé ou maintenu trois sous-comités du Comité des affaires internes des universités. Il y a d'abord le Comité de l'administration universitaire qui étudie un certain nombre de questions comme la structure de l'administration universitaire au Canada et notamment le rôle des professeurs sur les organes administratifs, le mode de sélection des recteurs, des vice-recteurs, et des doyens de même que l'influence de la négociation collective sur la façon traditionnelle dont l'A.C.P.U. considère l'administration universitaire. Le Comité n'a été créé que récemment et j'espère qu'il commencera à présenter des rapports au Bureau de direction au cours du premier trimestre de la prochaine année universitaire. Vient ensuite le Sous-comité sur l'efficacité de l'enseignement qui s'occupe des problèmes posés par l'évaluation des étudiants et la rémunération au rendement. Monsieur Chris Knapper, de Regina, quittera la présidence du Comité. Nous lui sommes particulièrement reconnaissants du travail que son comité et lui-même ont fait pour nous au cours de ces dernières années. Le troisième est le Comité des relations entre professeurs et étudiants qui vous présentera son projet de rapport cet automne. Ce Sous-comité a déjà existé, mais il a été abandonné pendant un certain temps. Il a pris un nouvel essor sous la présidence du Professeur Theall, de McGill. Son rapport sera centré sur l'un des problèmes universitaires les plus brûlants et j'espère que toutes les associations locales en discuteront et feront des suggestions au cours de la prochaine année universitaire. Enfin, on vous demande également d'approuver des lignes directrices concernant les politiques internes des universités en matière de brevets. J'espère que des lignes directrices semblables seront proposées prochainement à l'égard des droits d'auteur. Toutefois, il ne suffit pas que l'A.C.P.U. élabore des lignes directrices et les publie. Elles ne formeront une politique efficace qu'à la condition que chaque association de professeurs les examine chaque année et fasse un effort, avec l'aide du bureau central si besoin est, pour veiller à ce que son université adopte des procédés conformes à ceux qui ont été approuvés par l'A.C.P.U. Autrement, le fait d'adopter des énoncés de principes et des lignes directrices ne sert qu'à satisfaire les membres présents à la réunion du conseil.

L'un des aspects les plus importants des affaires internes de l'Université est

this area and to Jack Bailey the Chairman of the committee. We should also recognize the great importance of the very practical work that has been undertaken by two of our local associations in securing certification – the University of Manitoba Faculty Association and the Association des Professeurs de l'Université de Montréal. I am certain that the coming year will see important steps to clarify our role in this area – some of which I hope will be discussed at the session on collective bargaining Saturday afternoon.

Another important internal issue is that of Canadianization. The CAUT is undertaking a two-pronged review of its existing policy in this area — first a survey of opinion from a number of academics across the country representing all points of view. This is now under way. Secondly, in the autumn we will ask the local and provincial associations for their views. A summary will then go to the Board and Council as a basis for a discussion of possible revisions to the Guidelines.

In the area of relations with government we developed or are developing a number of stands. In the area of income tax we have corresponded with the Ministers of Finance and National Revenue on the question of the taxation of sabbaticals. We belive that reasonable expenses should be deductible for sabbaticals as they are for research grants. The Income Tax Committee has arranged for a meeting with the departmental officials shortly after this Council meeting.

The Academic Freedom and Tenure Committee has been concerned for some time about the possible misuse of the power of the Immigration Department to exclude professors and others on the grounds of national security and in a manner which allows for no effective appeal. This was the problem faced by Professor Meszaros. The Committee, through the CAUT Board, has proposed two particular amendments to the immigration legislation – one to enlarge the definition of sponsor to include employers. In the case of Professor Meszaros this would have allowed York University to appeal to the Immigration Appeals Board and would have obviated the necessity of Professor Meszaros coming to this country to plead his case. The second would allow the Immigration Appeals Board to review all security cases in *in camera* session thus removing the present power of the Minister to act by fiat in this area. We have been ably assisted by Professor Jacob Ziegel of Osgoode Hall in this endeavour, and we will be seeing the Minister for a formal interview in June.

The Federal/Provincial Financing Committee reported to the Board this year. You will recall that the committee recommended the continuation of a federal role in post-secondary education and addressed itself to the modalities of so doing. That document was twice circulated to local and provincial associations and was approved by the Board. The CAUT had an interview with the Secretary of State prior to the recent gathering of the finance ministers as well as with the spokesmen of the opposition parties and communicated the views of the CAUT to the provincial premiers and ministers of education. It is clear that the question of federal/provincial support of higher education will be an ongoing problem and already the Executive and Board are aware that we must develop certain of our arguments and address ourselves to others that were raised by the various ministers and civil servants. We have also discussed with FAPUQ the possibility of common action in relation to the classification dispute in Québec which may turn out to be one of the most vital issues in the country. We also have a committee on science policy which is just about to submit its report. That document is being reviewed by the Committee on Federal/Provincial Financing since the two areas are intimately related. I hope that we will be in a position to discuss science policy with the Minister of State for Science and Technology and her advisors in the near future. Finally the copyright sub-

certainement la négociation collective. Au cours de l'année, le bureau central s'est efforcé de réunir le plus vite possible le maximum d'experts et de renseignements dans ce domaine. Je suis très reconnaissant à Marie-Claire Pommez pour tout son travail ainsi qu'à Jack Bailey, le Président du Comité. Deux de nos associations locales, la *University of Manitoba Faculty Association* et l'Association des Professeurs de l'Université de Montréal ont également fait un travail très important en s'occupant de la question de l'accréditation. Je suis certain que cette année, d'importantes mesures seront prises pour clarifier notre rôle dans ce domaine et j'espère d'ailleurs que nous en discuterons à la séance sur la négociation collective, samedi après-midi.

La canadianisation constitue une autre question interne importante. L'A.C.P.U. entreprend une étude en deux étapes de la politique actuellement en vigueur dans ce domaine et qui commencera par un sondage d'opinion auprès d'un certain nombre d'universitaires de tout le pays qui représenteront tous les points de vue. Cette première étape est en cours. Ensuite, cet automne, nous demanderons aux associations locales et provinciales de nous faire connaître leur opinion. Le Bureau et le Conseil recevront alors un sommaire de ces résultats qui leur serviront de base pour discuter des modifications pouvant être apportées aux énoncés de principes.

Dans le domaine des relations avec le Gouvernement, nous avons arrêté un certain nombre de positions et nous en étudions d'autres. En ce qui concerne l'impôt sur le revenu nous avons communiqué avec le Ministre des Finances et le Ministre du Revenu National au sujet de l'imposition des congés sabbatiques. Nous estimons qu'on devrait pouvoir déduire des dépenses raisonnables pour les congés sabbatiques comme pour les subventions de recherche. Le Comité de l'impôt sur le revenu a organisé une réunion avec les représentants du Ministère qui doit avoir lieu peu après la réunion du Conseil.

Le Comité de la liberté universitaire et de la permanence de l'emploi s'inquiète depuis quelque temps du fait que le ministère de l'Immigration pourrait abuser de son pouvoir d'exclure des professeurs ou d'autres membres pour des raisons de sécurité nationale et cela d'une façon qui ne laisse guère de possibilités d'appel. Tel était le cas du Professeur Meszaros. Par l'intermédiaire du Bureau de direction de l'ACPU, le Comité a proposé deux amendements à la loi de l'immigration dont l'un visait à élargir la définition du répondant pour y inclure l'employeur. Dans le cas du professeur Meszaros, cela aurait permis à l'Université York de faire appel à la Commission d'appel de l'Immigration et le Professeur Meszaros n'aurait pas été obligé de venir au Canada plaider sa cause. Le deuxième permettrait à la Commission d'appel de l'Immigration d'examiner tous les cas de sécurité à huis clos tout en enlevant au ministre son pouvoir de prononcer des ordonnances d'expulsion. Nous avons été fort bien aidés dans cette tâche par le Professeur Jacob Ziegel, de *Osgoode Hall* et nous aurons une entrevue officielle avec le ministre en juin.

Le Comité du financement des universités a présenté son rapport au Bureau de direction cette année. Vous vous souviendrez sans doute que le comité a recommandé que le gouvernement fédéral continue à jouer un rôle dans l'enseignement post-secondaire et à indiqué la façon dont il devait le jouer. Ce document a été communiqué par deux fois aux associations locales et provinciales et a été approuvé par le Bureau de direction. L'A.C.P.U. a rencontré le secrétaire d'Etat avant la

committee has had preliminary discussions sometime ago with the Department of Corporate and Consumer Affairs in relation to federal copyright policy. That committee will be proposing two documents, one a brief to the government on copyright policy, the other an internal university guideline. The Department has indicated that it is anxious to hear the views of the CAUT prior to the drafting of new legislation which may come forth in 1974.

I think in general the profession has been in the past far too reticent about political action. This is not to say that the CAUT has refused to make its views known. But I think there has been a feeling that if you talk to politicians too much or request things from them that you will invite political interference in the universities. I would, however, suggest that the politicians both federal and provincial are interfering in the affairs of the universities and junior colleges all the time. Some manipulate spending formulae, others listen to private employers who want taxes reduced by cutting spending on education, or decide to plunge into educational TV without consulting the faculty or teachers concerned or indicate that they are prepared to give special financing for particular projects, or demand types of accountability that will seriously and deleteriously affect the functioning of the university. I believe that CAUT and the provincial organizations must continuously be involved in political action – political action designed to maintain and develop the type of university which we think will provide good education and research, and sustain fundamental criticism and academic freedom. We will not get what we want by retiring from the fray. We may also decide that we should have more allies. This is a matter which we will have to consider very seriously in the months ahead.

The defence of academic freedom remains the major task of the CAUT. We are all, I am sure, most grateful that Archie Malloch has agreed to stay on for one more year as Chairman. The entire profession owes him an immense debt for his concern, patience and dedication in handling the many problems that come before the CAUT in the area of academic freedom and tenure. I am also very grateful to Bill Goede who has served the committee as secretary this year in which capacity he has ensured that a very complicated operation has been kept effective and operative all year long. Archie has already given you his annual report. I just wish to raise a few points. Clearly financial problems leading to cutbacks are one of the most serious problems facing us. We are developing both policies and expertise in this area, and I hope to touch on this in my remarks to the session on financial exigency. We are also trying as much as possible to take steps to avoid problems before they arise. This was one of the purposes of the *CAUT Handbook* to ensure that everyone knew our position in advance. There will be a second edition of the handbook in the early fall which will include of course, all the documents passed at this meeting. The Academic Freedom and Tenure Committee is also anxious to develop joint action on a regional basis to survey existing terms and conditions of appointment and to assist those universities whose regulations do not accord with the CAUT policy statements to make the necessary changes. I think that it is absolutely essential that we undertake this work in a systematic and effective manner. It may well be that such procedural safeguards will be easier to secure in the period ahead than large financial gains. Finally I would like to remind you of the remarks of Archie Malloch last year, particularly those pointing to the problem of discrimination and arbitrariness by our own colleagues in connection with individual cases. I frequently hear the remark that academic freedom is designed to protect the political freedom of professors, i.e. the right to express unpopular views of a party political nature. But far more important, because many of our colleagues do not even recognize it as a

récente réunion des ministres des Finances ainsi que les porte-parole des partis de l'opposition et elle a fait part du point de vue de l'Association aux premiers ministres et aux ministres de l'Education des provinces. Il est clair que la question de l'aide apportée par les gouvernements fédéral et provinciaux à l'enseignement supérieur ne cessera pas de poser des problèmes et déjà le Bureau de direction et le Comité exécutif savent qu'il nous faut étayer certains de nos arguments et étudier ceux qu'ont présenté les divers ministres et fonctionnaires. Nous avons également discuté avec la FAPUQ de la possibilité d'entreprendre une action commune à l'égard du conflit sur la classification au Québec qui pourrait devenir l'une des questions les plus cruciales au pays. Nous avons également un Comité sur la politique scientifique qui est d'ailleurs sur le point de nous soumettre son rapport. Ce document est présentement étudié par le Comité du financement des universités vu que ces deux domaines sont étroitement reliés. J'espère que nous serons prochainement en mesure de discuter de la politique scientifique avec le ministre d'Etat chargé de la Science et de la Technologie et ses conseillers. Enfin, le Sous-comité des droits d'auteur a eu récemment des discussions préliminaires avec le ministère de la Consommation et des Corporations à l'égard de la politique du gouvernement fédéral en matière de droits d'auteur. Le Comité présentera deux documents, à savoir un mémoire à l'intention du gouvernement au sujet de la politique en matière de droits d'auteur et un énoncé de principes à l'usage de l'université. Le ministère s'est dit très désireux de connaître l'opinion de l'A.C.P.U. avant de formuler la nouvelle loi qui pourrait sortir en 1974.

Je pense, qu'en général, la profession a toujours beaucoup trop hésité à s'engager dans l'action politique. Cela ne veut pas dire que l'A.C.P.U. ait refusé de faire connaître son point de vue, mais je pense qu'on a craint qu'en parlant trop aux politiciens ou en leur demandant trop de choses on favorise une ingérence politique dans les universités. J'estime pourtant que les politiciens tant du niveau fédéral que provincial se mêlent constamment des affaires des universités et des écoles secondaires. Certains manipulent les formules de dépenses, d'autres écoutent les employeurs qui demandent qu'on réduise leurs impôts en réduisant les dépenses faites pour l'enseignement ou décident de se lancer dans la télévision éducative sans consulter les professeurs ou les enseignants concernés ou dire qu'ils sont prêts à financer des programmes particuliers ou encore ils exigent un système de responsabilité qui compromet gravement le fonctionnement de l'université. Je crois que l'A.C.P.U. et les organisations provinciales doivent s'engager en permanence dans une action politique, une action politique destinée à créer et à maintenir le genre d'université capable de fournir un bon enseignement, de favoriser la recherche, de tenir compte des critiques et de protéger la liberté universitaire. Nous n'obtiendrons pas ce que nous voulons en abandonnant le combat. Par ailleurs, il pourrait être bon de se faire d'autres alliés. C'est une question que nous devrons examiner très sérieusement au cours des mois à venir.

La défense de la liberté universitaire reste l'une des principales tâches de l'ACPU. Nous sommes certainement tous reconnaissants à M. Archie Malloch d'avoir bien voulu rester à la présidence pendant encore un an. Toute la profession lui doit énormément pour l'intérêt, la patience et le dévouement dont il a fait preuve pour régler les nombreux problèmes qui se

problem, is the attempt to impose disciplinary orthodoxy of one kind or another on a department. I strongly recommend that everyone reread Archie's remarks of last year which we published in the *Bulletin* in October 1972.

I have only been Executive Secretary since January 1st. It must, therefore, be clear to you that most of the developments before you come not from me but from Al Berland. The CAUT owes Al a great debt for the work he has done for the profession. So does the central office, particularly the new Executive Secretary. I am very pleased to be able to report that Al has already indicated by his work on the Faculty/Student Relations Committee his willingnes to continue to serve the CAUT. I am most grateful. Neither the Executive Secretary nor the CAUT could function without the devoted service of the support staff. The mass of correspondence, the many Saturdays on which they must work, the multitude of problems large and small that flow into the office are largely unseen by the membership. I wish to thank all the office staff and to tell you how lucky you are that such dedicated people are serving you.

Donald C. Savage
Executive Secretary, C.A.U.T.
May 1973.

The University of British Columbia will appoint a

PRESIDENT

with effect from July 1, 1975

The University of British Columbia is a publicly supported institution established in 1915. The full-time enrolment in the 1972-73 Winter Session was approximately 19,000. The operating budget in 1972-73 was approximately $90,000,000.

The President has general supervision over and is responsible for direction of the operation of the University, including its academic work and business affairs, and has such other powers and duties as may be assigned to him by the Board of Governors.

In the performance of these functions the President is assisted by two Deputy Presidents.

The salary and term of office of the President are negotiable.

Written applications or nominations for this position, accompanied by a resume of qualifications, will be received until a selection is made, and should be sent to: Mrs. Beverley Lecky, Chairman, Search Committee for a New President, The University of British Columbia, Vancouver 8, B.C., Canada.

sont posées à l'ACPU dans le domaine de la liberté universitaire et de la permanence de l'emploi. Je suis également très reconnaissant à Bill Goede qui a été cette année le secrétaire du comité et grâce à qui une tâche très compliquée a pu être menée à bien. Il vous a déjà donné son rapport annuel. Je désire seulement soulever quelques points à cet égard. Il est clair que l'un des problèmes les plus graves qui se posent à nous est celui des difficultés financières qui obligent à réduire le personnel. Nous formulons actuellement des lignes de conduite à cet égard en tâchant également de réunir le maximum de renseignements. J'espère d'ailleurs pouvoir en parler à la séance sur les exigences financières. Nous essayons également, dans la mesure du possible, de prendre des mesures pour éviter les problèmes avant qu'ils ne se posent. L'un des objectifs du *Guide de l'ACPU* était justement de faire connaître d'avance notre position à tout le monde. Nous publierons cet automne une deuxième édition de ce guide qui contiendra, bien sûr, tous les documents adoptés lors de la réunion. Le Comité de la liberté universitaire et de la permanence de l'emploi est également très désireux d'entreprendre une action commune sur une base régionale pour examiner les conditions d'emploi actuellement en vigueur et aider les universités dont les règlements ne concordent pas avec les énoncés de principe de l'ACPU à apporter les changements nécessaires. Je pense qu'il est absolument indispensable que nous entreprenions ce travail de façon systématique et efficace. Il se peut qu'au cours de la période à venir ce genre de garanties soit plus facile à obtenir que des gains financiers importants. Enfin, je voudrais vous rappeler les remarques faites par Archie Malloch l'année dernière, notamment à l'égard des mesures discriminatoires ou arbitraires prises par nos propres collègues dans certains cas. J'entends souvent dire que la liberté universitaire est destinée à protéger la liberté politique des professeurs, c'est-à-dire le droit d'exprimer des idées impopulaires de nature politique. Mais ce qui importe beaucoup plus, car un grand nombre de nos collègues ne se rendent même pas compte du problème que cela pose, c'est qu'on essaie parfois d'imposer une orthodoxie disciplinaire quelconque sur un autre département. Je recommande vivement à tout le monde de relire les remarques faites par M. Malloch l'année dernière et que nous avons publiées dans le Bulletin d'octobre 1972.

C'est seulement depuis le 1er janvier que je suis secrétaire général. Il est bonc bien certain que la plupart des éléments nouveaux qui vous sont présentés sont le fruit non pas de mon travail, mais de celui de Al Berland. L'ACPU doit beaucoup à Al Berland pour tout ce qu'il a fait pour la profession. C'est également le cas du bureau central et surtout du nouveau secrétaire général. Je puis dire avec grand plaisir que Al a déjà montré en travaillant au Comité des relations entre les professeurs et étudiants qu'il désirait continuer à collaborer avec l'ACPU. Je lui en suis très reconnaissant.

Ni le secrétaire général, ni l'ACPU ne pourraient travailler sans les services dévoués du personnel de soutien. Les membres ne se rendent pas bien compte que ces personnes doivent s'attaquer à une masse de correspondance et à une quantité de problèmes de toutes sortes et qu'elles sont souvent appelée à travailler le samedi. Je tiens à toutes les remercier et à vous dire, chers collègues, que vous avez beaucoup de chance d'avoir des gens aussi dévoués à votre service.

Donald C. Savage,
Secretaire General,
mai 1973.

ACADEMIC FREEDOM AND TENURE COMMITTEE *Annual Report 1972 - 73*

Delivered at the CAUT Council Meeting, Charlottetown, P.E.I., May 18-19, 1973.

Mr. Chairman, the Committee on Academic Freedom and Tenure met five times during the past year and on each occasion had a very full agenda. As in the past our energies have been divided between individual cases and general policy documents.

The case work remains heavy and included appeals from university faculty in every province of Canada. There are no cases that are not frustrating in some degree, and some are pure frustration, but for the second consecutive year I am happy to report that we have not found it necessary to bring recommendations for action on cases, either to the Board or to Council. And more positively, I can report that in two cases that looked very troublesome at one point, satisfactory resolutions were achieved – largely through the efforts of Committees of Enquiry that we sent to the campuses. I will come back to the work of those committees a little later because they reveal a good deal about our strength as an association.

We worked on a number of policy documents, which are being prepared for circulation to local associations and/or publication in the *Bulletin*, and which will come forward in time to the Board and to Council for approval. These are concerned with a variety of subjects: the question of academic contract forms; the new Statutory Powers Procedures Act in Ontario (which may have profound implications for the review of appointments), and a question referred to us by the Board – the matter of how applications for initial appointments should be considered. The greater part of our time was devoted to the revision of two documents: 1) the tenure review section of our Policy Statement on Academic Appointments and Tenure, which has remained unchanged since it was first approved in November 1967; 2) the document on cutbacks, which was approved by this Council two years ago. Both sets of revisions are on our agenda for this meeting.

This in summary is the work we have done during the past year. The fact that it gets done is due in large part to the efforts of the professional staff at the Central Office who carry on the correspondence, take the long – very long – telephone calls from aggrieved faculty members, and prepare the material for each meeting. Again I find myself paying tribute on behalf of the Committee to Alwyn Berland and Donald Savage, but this year I want particularly to thank Dr. William Goede, who at short notice succeeded Donald Savage as secretary of the Committee and in that role very ably served the Association. These gentlemen will modestly tell you that they are, after all, paid for their work, and that I should save my thanks for the faculty members on the Committee, who attend ten full days of meetings a year and receive no pay for it unless it be the handsome dinner provided by the Association at the end of the first day of each meeting, and that is really a symbolic recompense for the diet of words imposed on them by the dossiers of our appellants. I know you will wish to join me in thanking three members of the Committee who have completed a three-year tour of duty, Dale Gibson of the University of Manitoba, Marion Smith of Brock University, and Howard McCurdy of the University of Windsor. Howard McCurdy deserves special notice because this was his second tour; he completed a first before he was president of the Association. If I recall the details of *Catch-22*, the very fact that he now declares himself unwilling to undertake a third tour is a sign of his sanity and fitness, and therefore an argument that he should be asked to serve again. But

COMITE DE LA LIBERTE UNIVERSITAIRE ET DE LA PERMANENCE DE L'EMPLOI: *Rapport Annuel*

M. le président, le Comité de la liberté universitaire et de la permanence de l'emploi s'est réuni cinq fois au cours de l'année dernière, et, à chaque occasion, il avait un ordre du jour très chargé. Comme par le passé, nous avons partagé nos efforts entre la défense de cas individuels et les questions de politique générale.

Les cas individuels représentaient une tâche importante et il y avait des appels de professeurs d'université de chaque province du Canada. Tous les cas ont quelque chose de frustrant et certains le sont plus que d'autres, mais pour la deuxième année consécutive, j'ai le plaisir de pouvoir dire que nous n'avons pas trouvé nécessaire de faire des recommandations ni au Bureau de direction, ni au Conseil, pour que des mesures soient prises dans certains cas. Et, d'une façon plus positive, je peux rapporter que, dans deux cas qui semblaient particulièrement pénibles à un moment donné, on a réussi à trouver des solutions satisfaisantes, surtout grâce aux efforts des comités d'enquête que nous envoyons sur les campus. Je reviendrai au travail de ces comités un peu plus tard parce qu'ils en révèlent long sur la force de notre association.

Nous avons travaillé à l'élaboration de plusieurs directives qui seront distribuées aux associations locales ou publiées dans le *Bulletin* et qui seront soumises, en temps voulu, à l'approbation du Bureau de direction et du Conseil. Ces directives traitent de sujets variés: les différents types de contrats universitaires, la nouvelle loi — "Statutory Powers Procedure Act" — de l'Ontario (qui peut avoir des conséquences profondes sur la révision des nominations), et une question qui nous a été soumise par le Bureau de direction — comment étudier les demandes de première nomination. La majeure partie de notre temps a été consacrée à la révision de deux documents: la partie consacrée à la permanence de l'emploi de notre Enoncé de principes sur les nominations universitaires et la permanence de l'emploi, inchangée depuis que ce document a été approuvé pour la première fois en novembre 1967; le document sur les réductions, qui a été approuvé par le Conseil de l'association il y a deux ans. Ces deux révisions sont à l'ordre du jour de cette réunion.

* * *

Voilà, en résumé, le travail que nous avons fait au cours de l'année dernière. Nous y sommes parvenus en grande partie grâce aux efforts du personnel du Secrétariat qui s'occupe de la correspondance, reçoit les longs, très longs appels téléphoniques des professeurs en difficulté, et prépare les documents de chaque réunion. Je dois, encore une fois, rendre hommage au nom du comité à Alwyn Berland et Donald Savage, mais, cette année, je veux remercier particulièrement William Goede, qui a succédé à Donald Savage au pied levé comme secrétaire du comité et qui a très bien servi l'association dans ce rôle. Ces messieurs vous diront très modestement qu'après tout ils sont payés pour faire ce travail et que je devrais garder mes remerciements pour les professeurs qui font partie du comité et doivent participer chaque année à dix journées complètes de réunions et sans recevoir la moindre rémunération, si ce n'est le beau dîner offert par l'association à la fin du premier jour de chaque réunion, une récompense vraiment symbolique, vu tous les dossiers qu'ils doivent avaler . . . Je sais que vous vous joindrez à moi pour remercier trois membres du comité qui viennent de terminer un mandat de trois ans: Dale Gibson, de l'Université du Manitoba, Marion Smith de l'Université Brock, et Howard McCurdy, de l'université de Windsor. Howard McCurdy mérite une

we have decided not to press the matter.

In previous reports I have tried to bring to your attention a few of the matters that the Committee has become particularly aware of during the past year. I should like to do so again this year.

The first is not so much a new matter as it is a matter of encouragement and reassurance. In two of the cases appealed to us we discovered once again how effective an outside committee of academics can be in moving a university to the resolution of a dispute. The cases first came to our attention during the year 1971–72. In each case there had been an internal appeal committee to whom the faculty member had turned, and in each case the president of the university had rejected the solution proposed by the appeal committee, and the faculty member (supported by our local association) had then appealed to us. In each case we proposed to the president that there be a committee of academics from outside the university established to adjudicate the matter, its terms of reference and members agreed to jointly by the president and by AF & T. In each case the president declined our proposal and we then appointed a committee ourselves, the members coming from other universities and including at least one from the discipline concerned.

Now it is probably true, as far as it goes, to say that the presidents in these cases were brought to recognize the need for a settlement by the knowledge that the committee reports would probably be published in the CAUT *Bulletin.* But that analysis, unless it is developed, can be misleading. It was not the mere aspect of publicity that bothered these presidents; most presidents have some fondness for publicity, and many of course retain public relations officers whose business is to keep their universities visible. These presidents were bothered by the prospect of what our Policy Statement calls "the threat of informed publicity" – publicity which is informed by sound academic judgment and therefore a threat, for that kind of judgment cannot be discounted. I doubt if I could bring the presidents in question to concede this. They preferred to see themselves as characters from *The Godfather*, who had been made offers they could not turn down. But my reading of the situations was rather different: I think that in each case the president found in the report views that he could *not* discount, as he had felt able up till then to discount the views of local critics. He had been able to persuade himself that people on his own campus who disagreed with him were simply disgruntled persons looking for an opportunity to pursue their private grievances. And he had some excuse for this attitude since in all these cases there *are* some people on the campus who have personal reasons for opposing the president, quite apart from the merits of the academic dispute at hand. But a president cannot easily charge bias in a committee of qualified academics from other universities, and therefore he is likely to listen to the views expressed in their report (even though many of those same views have already been offered to him by people on his own campus). And here you have the justification for CAUT's longstanding reliance on outside committees. They are able to cut through much of the local confusion and irrelevancy that builds up around an academic dispute, and in so doing they not only afford protection to the individual faculty member involved, but in a real sense they offer a protection to the president against his own instinctive responses to local opposition.

It is an important part of our guidelines on dismissal procedures that the arbitration committee should be composed of academics from outside the university – Professor Bruce Dunlop has emphasized this in articles in the *Bulletin* in recent years – but the detachment of an outside committee can

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mention spéciale parce que c'était son second mandat sur le comité; il avait terminé le premier avant de devenir président de l'Association. Si je me rappelle des détails de "*Catch 22*", le fait même qu'il dise maintenant ne plus vouloir de troisième mandat prouve qu'il est sain d'esprit et en bonne forme et cela serait une raison de plus pour qu'il continue à faire partie du comité. Mais nous avons décidé de ne pas insister.

Dans les rapports précédents, j'ai essayé d'attirer votre attention sur quelques unes des questions dont le comité avait été particulièrement conscient au cours de l'année précédente. J'aimerais faire la même chose cette année.

La première question n'est pas vraiment nouvelle; en fait, il s'agit d'encourager et de rassurer. Dans deux des cas pour lesquels on a demandé notre aide, nous avons découvert encore une fois qu'un comité extérieur d'universitaires peut être très efficace pour amener une université à résoudre un conflit.

Ces cas ont d'abord attiré notre attention pendant l'année 1971-1972. Dans chacun d'eux, le membre du corps professoral s'était adressé à un comité interne d'appel et le recteur de l'université avait rejeté la solution proposée par le comité d'appel; le membre du corps professoral, (appuyé par l'association locale), avait alors demandé notre aide. Dans chacun des cas, nous avons proposé au recteur de former un comité d'universitaires extérieurs à l'université dont le mandat et les membres seraient approuvés par le Recteur et le Comité de la liberté universitaire et de la permanence de l'emploi. Dans chacun des cas le Recteur a refusé notre proposition et nous avons alors nommé nous-même un comité dont les membres venaient d'autres universités et qui comprenait au moins un professeur de la discipline en question.

On peut certainement dire que, dans ces deux cas, les recteurs ont été amenés à reconnaître la nécessité d'un accord amical parce qu'ils savaient que les rapports du comité seraient probablement publiés dans le *Bulletin* de l'ACPU. Mais cette analyse, à moins qu'elle ne soit poussée plus loin, peut être trompeuse. Ce n'était pas la seule perspective de la publicité qui ennuyait ces recteurs; la plupart d'entre eux ont un certain goût pour la publicité et nombreux sont ceux qui engagent des agents de relations extérieures chargés de garder leur université en vue. Ces recteurs étaient ennuyés par la perspective de ce que notre Enoncé de principes appelle "la menace de la publicité bien renseignée", publicité renseignée par un jugement universitaire solide et qui, pour cette raison, constitue une menace, car cette sorte de jugement ne peut pas être ignorée. Je doute que je puisse amener les recteurs en question à concéder cela. Ils préfèrent se considérer comme des personnages du *Parrain* auxquels on a fait des offres qu'ils ne pouvaient pas refuser. Mais ma façon de voir la situation était plutôt différente: je crois que dans chaque cas le Recteur a trouvé dans le rapport des opinions qu'il ne pouvait pas ignorer comme il avait cru pouvoir ignorer jusque-là les opinions des critiques locaux. Il avait pu se persuader lui-même que les gens de son propre campus qui n'étaient pas d'accord avec lui étaient simplement des personnes mécontentes qui cherchaient une occasion de présenter leurs griefs personnels. Et il avait quelqu'excuse pour son attitude puisque, dans tous ces cas, il y a en effet des gens sur le campus qui s'opposent au recteur pour des raisons personnelles sans aucun rapport avec le conflit universitaire en question. Mais un recteur ne peut pas facilement accuser de partipris un comité d'universitaires qualifiés qui viennent d'autres universités et, pour cette raison, il écoutera les opinions exprimées dans le rapport du comité (même si plusieurs de ces mêmes

be just as important in lesser disputes over renewal of appointments, or tenure review, as we have recognized again in these two cases in the past year. It is a good thing to remind ourselves every so often that one of our basic strengths as an association is our ability to provide expert academic judgments in the instrument of such committees.

Another matter that I want to bring to your attention has to do with our commitment to what is called procedural justice. In adopting the Policy Statement on Academic Appointments and Tenure in 1967 CAUT deliberately chose to emphasize the procedures used in a tenure review or in dismissal, rather than try to categorize the judgments themselves. We did not try to say that such a judgment is valid, or such and such a cause is unacceptable; rather we said judgments on tenure or on dismissal should issue from the following kinds of procedures, and then went on to outline them. In choosing to outline procedures rather than categorize judgments, we were expressing a basic confidence that fair judgments could emerge if reasonable procedures were followed. In sections A and C of the Policy Statement we offered procedural guidellnes that guaranteed a full opportunity for study, reflection, discussion, and final judgment. What bothers us from time to time in the AF & T commmittee is a fear that members of the Association may have learned the procedural lesson too easily, and have come to feel that procedures in themselves are a kind of guarantee of fairness – as though asserting "we followed procedures" were the same as saying "we made a fair decision." Procedures as such are no more than a scenario and no scenario, however promising, can in itself assure the quality of the completed film. At best we can say that the quality of the completed film probably confirms the usefulness of the scenario it was based on. Most filmmakers appear to feel that a careful scenario enables the production of a good film. But there have been too many good films with a large element of improvisation in them to allow us to assert that the scenario is absolutely necessary. So with procedures. From our experiences in AF & T there seems no doubt that the formal adoption of reasonable procedures greatly increases the likelihood that fair decisions on appointments will be made. But we also have to acknowledge that there have been universities with few or no published procedures who have applied a sensitive and thoughtful 'adhoccery' to their review of appointments and maintained a pretty good record of fairness. So it is rather dismaying to be approached by the chairman of a department, or a dean, or a president, or even the chairman of a local faculty association, saying, "If you'll only tell us what CAUT thinks are the right procedures, we'll follow them and then no one can say later we weren't fair." I'm not suggesting that these frequent approaches are cynical; rather, they are pathetic because they show at the same time a clear preference for being fair and a reluctance to accept the burden of study, thought, agonizing, and debate that are required to achieve fairness. Reviews of appointments do not take place on the pages of procedural manuals. They take place in an office or a seminar room among a group of people who have a normal human budget of carelessness, insensitivity, and prejudice. These qualities are more likely to be controlled or set aside if those people are guided by a set of reasonable procedures, but even with a set of procedures, there is still a lot of effort and self-recollection called for. I am not suggesting that our emphasis on procedural justice has been misplaced. After 5 years on the AF & T Committee I am surer than ever that the basic choice represented by our Policy Statement is correct. But my colleagues and I are reminded constantly that what is called "following procedures" can be a cop out. And

opinions lui ont déjà été données par des gens de son propre campus). Et voilà donc pourquoi l'ACPU a depuis longtemps confiance dans les comités composés d'universitaires extérieurs au campus. Ils parviennent à y voir clair maglré la confusion et le manque d'à-propos qui se crée autour d'une querelle universitaire, et, en agissant ainsi, non seulement ils protègent l'enseignant concerné, mais ils protègent aussi le recteur contre ses propres réactions instinctives à l'opposition locale.

Le fait que le comité d'arbitrage soit composé d'universitaires d'autres campus que celui concerné tient une place importante dans nos directives sur les procédures de renvoi. Le professeur Bruce Dunlop a insisté sur ce point dans les articles publiés dans le *Bulletin* au cours de ces dernières années, mais il peut être aussi important de détacher un comité composé de gens de l'extérieur dans des conflits moins graves de ré-emploi ou de révision de permanence d'emploi, comme nous l'avons constaté encore dans ces deux cas l'an dernier. C'est une bonne chose de se rappeler de temps à autre que ce qui fait la force de notre association, c'est notamment de pouvoir fournir des jugements d'universitaires experts dans le cadre de tels comités.

Une autre question sur laquelle je veux attirer votre attention est reliée à notre action pour instaurer des procédures équitables. En adoptant l'Enoncé de principes relatif à la nomination des professeurs et à la permanence de l'emploi en 1967, l'ACPU a choisi délibérément d'attacher plus d'importance aux procédures employées pour la permanence de l'emploi ou dans un cas de révocation plutôt que d'essayer de cataloguer les jugements eux-mêmes. Nous n'avons pas essayé de dire que tel ou tel jugement était valable, ou que telle ou telle cause était inacceptable; nous avons plutôt dit que des jugements sur la permanence de l'emploi ou sur la révocation devraient découler de certaines procédures que nous avons décrites. En choisissant de décrire les procédures plutôt que de faire des catégories des jugements, nous avons montré, qu'à notre avis, on a des chances d'arriver à des jugements justes si l'on respecte des procédures raisonnables. Dans les sections A et C de l'Enoncé de principes, nous avons présenté des directives pour des procédures garantissant une véritable étude, une réflexion, une discussion et une prise de décision en dernier lieu. Une chose nous ennuie de temps en temps au Comité de la liberté universitaire et de la permanence de l'emploi, c'est la crainte que les membres de l'association puissent avoir appris la leçon de procédure trop facilement et en soient venus à penser que les procédures étaient en soi une sorte de garantie de justice — comme si de dire "nous avons respecté la procédure" était la même chose que de dire "nous avons pris une décision juste". Les procédures en tant que telles n'ont pas plus d'importance qu'un scénario pour un film, car le scénario, même très bon, ne peut suffire à garantir la qualité du film. Tout au plus peut-on dire que la qualité du film a probablement beaucoup à voir avec celle du scénario. La plupart des producteurs de cinéma semblent croire qu'un bon scénario permettra de produire un bon film. Mais il y a tellement de bons films qui comportaient une grande part d'improvisation qu'on ne peut se permettre de dire que le scénario est absolument nécessaire. Il en va ainsi des procédures. A partir de ce que nous avons vu au Comité, il nous semble à peu près certain que si des procédures raisonnables sont officiellement adoptées, il est plus probable que des décisions justes seront prises au sujet des nominations. Mais nous devons aussi reconnaître que certaines universités, qui n'avaient pourtant pas beaucoup de procédures écrites, voire aucune, ont su réviser les nominations avec sensi-

furthermore we have the examples of Victoria and Simon Fraser to remind us that the existence – even the "following" – of careful, published procedures does not preclude radical injustice.

In the domain of academic freedom and tenure the test must remain the existential case. The procedure we must finally be concerned with is not the Platonic activity to be glimpsed in a Faculty Manual, but the concrete procedure enacted in time and place.

So much for the homily. I've told you something about the work we did during the year and I've called attention to the efforts of the professional staff and of my faculty colleagues on the Committee. I would like to close with a word of thanks to the many local faculty associations who have intercepted cases for us by their own efforts, and who have given us tremendous assistance in those cases that were ultimately appealed to the Central Office. There are bound to be some cases in which the intervention of CAUT is required, but our intervention is seldom effective without the support of the local associations. In almost all our cases this support has been generously given and I want to let you know how grateful we are for it. Thank you.

A. E. Malloch,
Chairman,
A.F. & T. Committee
May 1973.

The University of Windsor

plans the early appointment of a

Vice-President, Academic

Interested persons should forward appropriate biographical material as soon as possible to President J. F. Leddy, University of Windsor, Windsor, Ontario.

bilité et intelligence et faire preuve d'un grand sens de la justice. C'est pourquoi nous sommes tellement consternés lorsqu'un chef de département, un doyen, un recteur ou même un président d'une association locale de professeurs viennent nous dire: "Si vous nous dites seulement qu'elles sont les procédures que l'ACPU considère comme correctes, nous allons les suivre et alors personne ne pourra dire plus tard que nous n'avons pas été justes." Je ne veux pas dire que ces façons fréquentes de voir les choses sont cyniques; trop souvent elles sont pathétiques, parce qu'elles montrent une véritable préférence pour la justice et, en même temps, une répugnance à accepter le fardeau de l'étude, de la réflexion, de l'angoisse et de la discussion qui est nécessaire pour arriver à être juste. Les révisions de nominations n'ont pas lieu dans les pages d'un manuel de procédure. Elles ont lieu dans un bureau ou une salle de réunion avec un groupe de gens qui ont le lot humain normal de négligence, d'insensibilité et de préjugés. Il est plus probable que ces défauts seront dominés ou mis de côté si ces personnes sont guidées par un ensemble de procédures raisonnables, mais, même avec de telles procédures, il faut encore beaucoup d'efforts et de mémoire. Je ne veux pas dire que nous avons eu tort de mettre l'accent sur la justice de procédure. Après cinq ans au Comité de la liberté universitaire et de la permanence de l'emploi, je suis plus sûr que jamais que le choix fondamental représenté par notre Enoncé de principes est juste. Mais mes collègues et moi-même n'oublions jamais que ce que l'on appelle "suivre la procédure" peut être un piège. Nous avons de plus les exemples de Victoria et de Simon Fraser pour nous rappeler que, même s'il existe ou si l'on suit des procédures prudentes couchées sur le papier, cela n'empêche pas l'injustice la plus totale.

Dans le domaine de la liberté universitaire et de la permanence de l'emploi, tels cas particuliers constituent une mise à l'épreuve. Ce dont la procédure doit finalement s'occuper n'est pas l'activité platonique entrevue dans un Manuel de professeurs, mais la procédure concrète décrétée en temps et lieu.

Je terminerai là mon sermon. Je vous ai parlé du travail que nous avons fait pendant l'année et j'ai attiré votre attention sur les efforts du personnel professionnel et de mes collègues professeurs qui font partie du comité. J'aimerais terminer par un mot de remerciement pour les nombreuses associations locales de professeurs qui ont réglé elles-mêmes de nombreux cas et qui nous ont donné une aide formidable pour les cas qui étaient finalement transmis au Secrétariat. L'ACPU doit inévitablement intervenir dans certains cas, mais notre intervention est rarement efficace sans l'aide des associations locales. Dans presque tous les cas qui nous ont occupés, cet appui nous a été généreusement donné et je veux que vous sachiez tous combien nous en sommes reconnaissants.

A. E. Malloch
Président, Comité de la Liberté Universitaire et de la Permanence de l'Emploi,
mai 1973.

SUGGESTIONS . . . *Continued from p. 11*

eventually, replace "tenure". Indeed, it may well be argued that society and the government would benefit from such arrangements as much as would the profession. Programs such as those I suggested would build in flexibility that would at least make possible occupational re-adjustments. They would also allow more flexibility for re-organization within, let us say, a provincial system (though I see no reasons why a national system could not be superimposed on the provincial schemes). Moreover, long-term or civil service type contract would not be subject to the kind of ignorant and unfair – but inviting and powerful – arguments that Nisbet, for example, makes on tenure when he charges: "Mental deterioration, sloth, abandonment of professional standards, gross immorality in or outside the university, flagrant breach of academic position, none of these on the evidence is likely to affect the permanence of appointment once tenure has been granted". (Nisbet, *op. cit.*, p. 27. I cannot resist an observation on the propensity of academics for self-flagellation. Is there any other profession where this rite of penance is performed more frequently and in greater public view than is the case with us?)

In summary, I have tried to argue the following set of propositions: that the concept of "tenure" links security of employment and academic freedom; that while such links may be justified, changing circumstances will bring about attacks not so much on academic freedom as on the security of employment; that these attacks will be generated both outside the institutions – through government allocation of funds and through changing patterns of student enrolment – and inside the institution; that these attacks may be dangerous not only to economic security but (via stimulated fear) to academic freedom; that in order to relieve these pressures new approaches and policies must be developed not only within the institutions but within the whole system of institutions; that we should also begin to fortify academic freedom by means other than "tenure"; that, given greater attention to economic security (and surely no professional association ought to be ashamed of advocating it as one of its goals), we may contemplate the substitution of tenure by other contractual arrangements; and that, finally, one of the main instruments for the protection of both economic security and the academic freedom in the new circumstances is a strong professional association rather than the individual institutions. I have also suggested that such an arrangement would better accommodate the flexibility that any large institutional and publicly supported system should aspire to. Finally, I should confess that the paper is based on the somewhat fearful assumption that if we do not provide the flexibility, if we continue to inextricably link academic freedom to economic security, we may loose both.

DR. B. KYMLICKA teaches Political Science at the University of Western Ontario and is the Secretary and Director of Research of the Commission on Post-Secondary Education in Ontario.

C.A.U.T. COMMITTEES

Standing Committees

1. *Academic Freedom and Tenure*
   a. Data Banks and Privacy Subcommittee
2. *Economic Benefits*
   a. Pensions Subcommittee
   b. Insurance Subcommittee
   c. University Manpower Studies Subcommittee
   d. Income Tax Subcommittee
3. *Committee on Relations with Government*
   a. Federal-Provincial Financing Subcommittee
   b. Science Policy Subcommittee
   c. Canadian Book Publishing Policy Subcommittee
   d. Copyright Subcommittee
   e. Patents Subcommittee
4. *Committee on Internal University Affairs*
   a. University Governance Subcommittee
   b. Teaching Effectiveness Subcommittee (formerly Professional Orientation)
   c. Faculty-Student Relations Subcommittee
5. *Publications Committee*

Ad Hoc Committees

Established to attempt to recommend solutions to particular problems

1. *Committee on the Status of Women Academics*
2. *Collective Bargaining Committee*
3. *Committee on Canadianization and the University*
4. *Membership Committee*

TERMS OF REFERENCE

Academic Freedom and Tenure Committee

The Committee on Academic Freedom and Tenure is charged with the responsibility of dealing, on behalf of the Association, with appeals made to it in connection with situations where a faculty member feels that his professional rights have been infringed or are threatened with infringement, *and may make recommendations to the Board on policy matters.*

The Committee may deal with grievances from faculty members at institutions with associations affiliated to the Canadian Association of University Teachers, but not normally from individuals or associations not affiliated to CAUT unless an unusually serious threat to academic freedom is involved.

Appeals to the Committee are normally dealt with, in the first instance, by the professional staff of CAUT in consultation with the Chairman of the Committee, who bring the case to the Committee unless the documentation is incomplete or the case does not appear to merit consideration. Cases which are not brought before the Committee may be appealed by the Faculty member concerned and such appeals will be heard by a subcommittee of the Academic Freedom and Tenure Committee whose decision as to whether the case should go before the Committee is final.

The basic procedures of the Committee in dealing with cases appealed to it are those laid down in the Policy Statement on Academic Appointments and Tenure and in the Guidelines concerning investigational Procedures, Grievance Procedures, Procedures relating to Censure, Procedures concerning Joint Inquiries involving CAUT and AUCC, Procedures concerning Reductions in Academic Appointments for Budgetary Reasons; and the Policy Statements on Equal Opportunities for Women Faculty Members and on Canadianization and the University, all of which may be found in the *CAUT Handbook.* (Full terms of reference will be available in the 2nd edition of the *CAUT Handbook.*)

Economic Benefits Committee

(a) In cooperation with D.B.S. to devise, collect and analyze information on professorial salaries in Canada.

(b) To report regularly on the economic status of the university teaching profession in relation to other professions and to the general economy.

(c) To survey fringe benefits and, where useful, to present model plans for such benefits as group and disability insurance, denticare, pensions, and sabbatical leave.

(d) To investigate and recommend on ancillary economic matters such as summer supplements, research supplements, summer school salaries, etc.

(e) To maintain liaison with the salary committees of member associations and provincial organizations.

(f) To advise local faculty associations when so requested.

(g) To collect and disseminate information on salary negotiating procedures

Committee on Relations with Government

To oversee the role of the Canadian Association of University Teachers in relation to the federal and provincial governments and to report to the Board and Council of the CAUT,

Committee on Internal University Affairs

To oversee the role of the Canadian Association of University Teachers in areas internal to the university such as university governance, teaching effectiveness and faculty-student relations and to report to the Board and Council of the CAUT concerning these activities.

Committee on Publications

To oversee the publishing role of the CAUT, particularly in relation to the *CAUT Bulletin* and the CAUT monograph series;

To recommend as needed to the Board along with the Executive Secretary nominations for the editorship of the *CAUT Bulletin* and the CAUT monograph series;

To be a committee of seven to include the Editor the *CAUT Bulletin* and the CAUT monograph series as voting members.